

tional Falls, in the County of Koochiching and State of Minnesota, a municipal court to be known as "The Municipal Court of International Falls," for the transaction of all business which may lawfully come before it.

Powers of court.—Sec 2. Said court shall possess all of the powers and be subject to all of the provisions set forth in that portion of chapter five (5), Revised Laws of Minnesota for 1905, relating to municipal courts.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1907.

CHAPTER 177—S. F. No. 312.

An Act providing for the opening, working and operating mines, quarries, coal, gravel, clay, sand and peat deposits, on and in lands the title of which appears by properly executed deeds of record to be in a plurality of persons.

Be it enacted by the Legislature of the State of Minnesota:

Mines—how opened.—Section 1. That where veins, lodes or deposits of iron, iron ores, minerals or mineral ores of any kind, stone, coal, clay, sand, gravel or peat are known to, or do exist on or in lands which are shown by properly executed deeds or leases having more than one year to run of record in the county in which said lands are situated, to belong to a plurality of owners, the owner or owners of an interest equal to one-half or greater in said lands, as shown by said deeds or leases so recorded, may bring action in the district court in the county where said lands are situated, for permission to open, operate and develop said veins, lodes or deposits of iron, iron ores, minerals or mineral ores of any kind, stone, coal, clay, sand, gravel or peat that are found in or on said lands.

Duties of courts.—Sec. 2. The complaint shall describe the land to be affected, and there shall be an abstract of said lands thereto attached, showing the title thereof as appears by the deeds or leases recorded in the county where said land is situated. Upon the case being brought on for hearing, the court shall determine who are the owners of the property

described in the complaint, as appears by the properly executed deeds or leases thereof of record in said county in which the same is situated.

Order of court.—Sec. 3. If upon said hearing it appears that the complainant or complainants own one-half or more of said property, as shown by the properly executed deeds or leases of record in said county, the court shall make an order permitting and authorizing complainant or complainants, upon the filing in the office of the clerk of the court having jurisdiction of the action, of such bond, with such sureties as may be ordered and approved by the court or a judge thereof, conditioned for the faithful, complete and timely performance of all orders of the court made in the action or concerning the subject matter thereof, and for the faithful, complete and timely performance of all the provisions of this act, to enter upon, open, develop and operate said lands for the purpose of producing therefrom and from the veins, lodes and deposits therein situate, the iron, iron ore or other minerals or mineral ores of any kind, coal, clay, sand, gravel and peat, that may exist thereon or therein.

Rights and duties of complainant.—Sec. 4. Said complainant or complainants may thereupon, after the filing and approval of the bond provided for in section 3 of this act, enter upon said lands and develop the same, and produce therefrom and from the lodes, veins and deposits the iron, iron ore, minerals, mineral ores of any kind, coal, sand, clay, gravel and peat, that exist thereon or therein. A strict account shall be kept, by the party or parties operating said properties and workings, of all expenses of opening and working any and all such mines, or iron or iron ores, minerals or mineral ores of any kind, coal, or deposits of clay, sand, gravel or peat; and a true and correct account of the output of said workings in tons and of the receipts from the sale or disposal of the output. A monthly statement of such expenses and said output shall be made by said parties operating said workings and properties and filed with the clerk of said court where said action was commenced or is pending. The parties operating such properties shall be entitled to use so much of the receipts from the sales of the total output as may be necessary for the payment of the expenses and charges of opening and operating such property, and the surplus of receipts over the amount so paid out for expenses and charges of opening and operating such property shall be

divided pro rata among all the owners of such property according to their interests, and the amount to which any party is entitled shall be paid to him by the parties operating such property upon demand at any time after the filing of any monthly statement as herein provided, which shows a surplus over the charges and expenses aforesaid. No part of the expenses or charges, and no claim for work or labor performed in or about the opening, operating or improvement of such property shall be a lien upon or a charge against any portion of the property or interest therein not owned by the parties operating such property, and none of the owners of any part of or interest in the property who are not operating such property shall be liable for any of the charges or expenses of opening, operating or improving such property.

Surface rights.—Sec. 5. The parties operating the said veins, lodes and deposits, as herein provided, shall have the right to use the surface of the ground for placing machinery and coverings therefor, for roads, tramways, drains, water pipes, steam and electric plants, and all other appliances necessary in the operation and developing of said properties and workings, including buildings for offices and houses for man and shelter for animals engaged and employed in and by said workings, without charge from co-owners.

Rights of all owners.—Sec. 6. The owners of said property not engaged in operating the same shall have access to the property and workings therein at all reasonable times for the purpose of measuring up the workings and verifying thereby the accounts of operators thereof, and shall have access to the property for the purpose of removing and taking away the property delivered to them on the dump of said property as herein provided. But this right must be so exercised as not to interfere with the parties operating the property and workings on or in said property, or of any of the hoisting or working apparatus, railroads, roads, tramways or other appliances thereon, or of the workmen, servants of the operators of the property.

Rights of minority owners.—Sec. 7. In case the parties owning one-half or more of the property and land on which said veins, lodes or deposits of iron, iron ores, minerals or mineral ores of any kind, or coal, clay, sand, gravel or peat, are known to or do exist, fail or refuse to proceed under this chapter, or if, after commencing the work and operations hereunder, said parties abandon said work for one year, then

the owners of less than a half interest of said property, lands and the title therein, as shown by properly executed deeds recorded in the county in which the same is situate, may proceed to open and work said property in the same manner and under the same restrictions as provided herein.

Lands not subject to lien.—Sec. 8. No liens created by the statutes of this state, whether mechanics or material, men or laborers, or for supplies or any other liens except those of judgment against owners of interests in said lands, shall attach to the lands on or in which operations for producing from the veins, lodes or deposits of iron, iron ores, minerals or mineral ores of all kinds, coal, clay, sand, gravel, or peat, are carried on under and in accordance with this act.

Actions to apply only to output.—Sec. 9. Actions for operation of property in all cases where lands are held by a plurality of owners, are opened, operated and developed for the purpose of obtaining therefrom the products of the veins, lodes and deposits of iron, iron ores, minerals, mineral ores of any kind, coal, clay, sand, gravel and peat under the provisions of this chapter, shall be held to apply only to the output of said workings, and decree of partition shall be made by the courts to apply only to the division of the output of said workings of said lands, and the veins, lodes and deposits aforesaid therein.

Sec. 10. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 15, 1907.