

CHAPTER 560

ACTION BY PART OWNERS TO OPERATE MINES

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**560.01 ACTION FOR OPENING MINES, QUARRIES, BELONGING TO PLURALITY OF OWNERS.** Where veins, lodes, 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 the lands are situated, to belong to a plurality of owners, the owner or owners of an interest equal to one-half or greater in the lands, as shown by the deeds or leases so recorded, may bring action in the district court in the county where the lands are situated, for permission to open, operate, and develop these 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 these lands.

[1907 c. 177 s. 1] (9593)

**560.02 COMPLAINT; HEARING.** The complaint shall describe the land to be affected, and there shall be an abstract of the lands thereto attached, showing the title thereof as appears by the deeds or leases recorded in the county where the 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 the county in which the same is situated.

[1907 c. 177 s. 2] (9594)

**560.03 ORDER; BOND.** If, upon the hearing, it appears that the complainant or complainants own one-half or more of the property, as shown by the properly executed deeds or leases of record in the 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 chapter, to enter upon, open, develop, and operate these 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.

[1907 c. 177 s. 3] (9595)

**560.04 ENTRY UPON LANDS; ACCOUNTING; APPLICATION OF RECEIPTS; EXPENSES.** The complainant or complainants may thereupon, after the filing and approval of the bond provided for in section 560.03, enter upon these 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 these 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 these workings in tons and of the receipts from the sale or disposal of the output. A monthly statement of such expenses and the output shall be made by the parties operating these workings and properties and filed with the clerk of the court where the 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

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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.

[1907 c. 177 s. 4] (9596)

**560.05 SURFACE RIGHTS.** The parties operating these 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 the properties and workings, including buildings for offices and houses for men, and shelter for animals, engaged and employed in and by the workings, without charge from coowners.

[1907 c. 177 s. 5] (9597)

**560.06 RIGHTS OF NON-OPERATING OWNERS.** 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 the property as herein provided. This right must be so exercised as not to interfere with the parties operating the property and workings on or in the 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.

[1907 c. 177 s. 6] (9598)

**560.07 ABANDONMENT OF WORK; RIGHTS OF MINORITY OWNERS.** In case the parties owning one-half or more of the property and land on which these 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, these parties abandon the work for one year, then the owners of less than a half interest of the 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 the property in the same manner and under the same restrictions as provided herein.

[1907 c. 177 s. 7] (9599)

**560.08 NO LIENS TO ATTACH.** No liens created by the statutes of this state, whether mechanics, materialmen, or laborers, or for supplies or any other liens except those of judgment against owners of interests in the 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 chapter.

[1907 c. 177 s. 8] (9600)

**560.09 ACTIONS APPLY ONLY TO OUTPUT; PARTITION.** 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 the workings, and decree of partition shall be made by the courts to apply only to the division of the output of the workings of these lands, and the veins, lodes, and deposits aforesaid therein.

[1907 c. 177 s. 9] (9601)