

SEC. 2. The proceeds of all such sales as are herein provided for shall be by the said Board of Regents reinvested in lands of a suitable character and location for experimental farming to be carried on in connection with said University and under the supervision of the said Regents as provided by law.

Proceeds of
sale — how in-
vested.

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

Approved March 5, 1881.

CHAPTER 102.

AN ACT PROVIDING FOR THE ADJUSTMENT OF THE MINNESOTA STATE RAILROAD BONDS

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

WHEREAS, There has for a long time existed, and still remains outstanding, certain controverted claims against the State commonly known as the Minnesota state railroad bonds, and certain other claims more particularly referred to and set forth in chapter one hundred and fifty-two (152) of the Special Laws of the year one thousand eight hundred and sixty-seven (1867), the validity of all which claims has ever been and still is disputed by the people of this State.

Preamble.

And whereas, certain holders of such disputed claims, among whom is Selah Chamberlain, have recently made propositions for the compromise and settlement of certain of the said claims held by them, which propositions are now pending, and the substance of which propositions is embraced within the provisions hereinafter contained.

And whereas, it is considered to be desirable and for the best interests of the State and of all the people thereof, that such propositions should be treated with fairness by the State, to the end that all such controverted claims may, if possible, be compromised, settled and extinguished; therefore,

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

SECTION 1. For the purposes of this act the principal of said Minnesota state railroad bonds shall be considered as presently due and payable. Any holder of said bonds who desires to avail himself of the provisions of this act must deposit his bonds and coupons with the State Auditor, accompanied by an agreement in writing obligating himself to ac-

Deposit of
bonds, with
agreement.

cept in lieu of such bonds and coupons, and in full payment and satisfaction thereof, fifty per cent. of the amount nominally due upon said bonds and coupons, less the deduction hereinafter provided for, in cash or in new bonds of the State, as provided for in this act.

Supreme judges shall hear arguments and decide as to Legislative powers.

SEC. 2. The Judges of the Supreme Court are hereby authorized and required to hear, consider and determine the matters herein submitted, and as in this act provided. Said judges shall hear arguments, determine and decide whether the Legislature has power to provide for the payment, adjustment or settlement of the liability of the State on said Minnesota State railroad bonds without submitting the matter to a vote of the electors of the State, notwithstanding the amendment to section two (2), article nine (9), of the constitution, adopted November sixth (6th), one thousand eight hundred and sixty (1860). They shall convene at the capitol for the purpose of hearing and determining the matter as in this act provided, on the twenty-second (22d) day of March, one thousand eight hundred and eighty-one (1881), or as soon thereafter as practicable, and shall with all convenient speed file their decision and findings with the Clerk of the Supreme Court, and said clerk shall act as clerk of said tribunal.

Time of meeting.

Dispute as to ownership of bonds—how settled.

In case of any dispute or conflict between parties respecting the title, ownership or interest in any of said bonds or coupons which shall be so deposited with the State Auditor, said judges shall hear and determine the facts as to such ownership or interest. A majority of the said judges shall determine all questions and matters herein submitted. It shall be the duty of the Attorney General to appear and protect the rights and interest of the State under the provisions of this act; and the Attorney General shall employ such additional counsel as he may deem proper to assist him in the performance of his duties under this act, at the expense of the State, not exceeding the sum of twenty-five hundred dollars (\$2,500), and that sum is hereby appropriated for that purpose.

Attorney general shall protect rights of State.

State auditor shall lay before the judges all bonds filed.

SEC. 3. At the time said judges convene for the hearing of said matters, or as soon thereafter as practicable, it shall be the duty of the State Auditor to lay before said judges all of said bonds and coupons which shall have been filed with him under the provisions of this act, with the names of the respective owners or claimants thereof, and also all papers, claims and demands that shall have been filed in his office under this act. As soon as said hearing is closed, and the judges through with the further use of said bonds, claims and papers, they shall be returned to the State Auditor.

Decision to be filed with state auditor.

SEC. 4. As soon as the decision of said tribunal shall be filed with the Clerk thereof, it shall be the duty of said Clerk to prepare a certified copy thereof under his hand and the seal of said Court, and file the same in the office of the State Auditor; if the decision be against the validity of said Constitutional Amendment, or that the Legislature has pow-

er to provide for the settlement of said bonds without submission to the people, then it shall be the duty of the Governor and Auditor of State to cause to be prepared new bonds of the State, which new bonds shall be styled Minnesota State Railroad Adjustment Bonds, and bear date July first (1st), one thousand eight hundred and eighty-one (1881), and shall be of the denomination of one thousand dollars (\$1,000) each, and shall be payable after ten (10) years and not more than thirty (30) years from their date, at the option of the State of Minnesota, in the city of New York, with interest payable semi-annually in the city of New York, at the rate of five (5) per cent. per annum, and shall have coupons attached for such interest. Said new bonds shall be signed by the Governor and attested by the Secretary of State under the great seal of the State, and the coupons shall have the names of the Governor and Secretary of State thereto; and the bonds and coupons shall be countersigned and registered by the State Auditor, and upon being so executed, countersigned and registered, and within sixty (60) days after the filing of said decision as aforesaid, the State Auditor shall deliver to the several owners of the Minnesota State railroad bonds, their heirs and assigns, who shall have deposited their bonds with the State Auditor as aforesaid, such an amount of new bonds as shall be equal to fifty (50) per cent. of the amount of principal and interest which shall be due on said Minnesota State railroad bonds and the coupons thereto attached on the first (1st) day of January, one thousand eight hundred and eighty-four (1884), less in the case of bonds issued in payment of Minnesota State railroad bonds issued to the railroad companies out of the construction of whose road the claims specified in section seven (7) of this act originated, such sums as shall be paid on claims allowed under said section, and take from said several owners and holders of said Minnesota State railroad bonds so deposited as aforesaid, a release under seal, reciting the number and denomination of the State railroad bonds which said new bonds are taken in payment and settlement for, and acknowledging full satisfaction from the State of all liability on said Minnesota State railroad bonds so owned and deposited by such person, which release shall be filed in the State Auditor's office.

Bonds of denominations of one hundred dollars (\$100.00) may be executed and delivered as aforesaid in settlement of any fractional balance or sum to be paid less than one thousand dollars (\$1,000.00), and any such balance or fractional sum less than one hundred dollars (\$100.00) shall be paid in money. The first (1st) coupons shall be made payable on the first (1st) day of July, one thousand eight hundred and eighty-four (1884), and thereafter on the first (1st) days of January and July in each year until the maturity of said bonds; *provided* that at its election the State may in lieu of

New bonds.

How payable.

How executed.

Fifty per cent. of original bonds to be paid in new bonds.

Denomination of bonds.

Time of payment.

State may pay cash in lieu of bonds.

said new bonds, at or before the time herein fixed for the delivery of said new bonds, pay in cash to the several holders of said Minnesota State railroad bonds so deposited as aforesaid, a sum equal to fifty (50) per cent. of the amount of principal and interest due and payable on said Minnesota State railroad bonds and coupons on the day when said payment is made, taking the release under seal from the holder as in the case of delivery of bonds hereinbefore provided; and to that end the Governor, Auditor and Treasurer of State are hereby empowered in their discretion to negotiate at not less than par the bonds to be issued under the provisions of this act, and apply the proceeds to the payment of said holders of Minnesota State railroad bonds as hereinbefore provided.

Submission to the people.

SEC. 5. In case the decision of the tribunal to whom the validity of said constitutional amendment shall be submitted under the provisions of this act shall be in favor of the validity of such amendment and that the Legislature has not power to provide for the adjustment of said bonds without submission to the people, then this act shall be submitted to the electors of the State of Minnesota at the next general election to be held therein after the filing of such decision, and within sixty (60) days after said election if said act shall be adopted by a majority of said electors present and voting thereon, the same proceedings shall be had for the settlement and adjustment of said Minnesota State railroad bonds as hereinbefore provided for in the case of a decision by the court holding said amendment invalid. At said election those voting for said act shall have written or printed or partly written or partly printed on their ballots the words, "For the act providing for the adjustment of the Minnesota State railroad bonds—Yes;" and those voting against said act shall have written or printed or partly written and partly printed on their ballots the words, "Act providing for the adjustment of the Minnesota State railroad bonds—No."

How ballots shall read.

SEC. 6. Said tribunal shall also compute and report the amount due upon the judgments mentioned and referred to in chapter one hundred and fifty-two (152), page three hundred and thirty-eight (338), of the Special Laws of one thousand eight hundred and sixty-seven (1867), up to January first (1st), one thousand eight hundred and eighty-four (1884), and when settlement is made under the provisions of this act for any of said Minnesota State railroad bonds there shall then be paid, in money or in new bonds of the State, of the tenor and effect herein mentioned, to plaintiffs in said judgments, or to their executors or administrators, to the amount of fifty (50) per cent. of the sum that shall be found due on said judgments, which shall be in full settlement and satisfaction thereof.

Tribunal shall compute and report amount due.

SEC. 7. Any person having a subsisting legal or equitable claim against the State, or a legal and valid claim against any company or individual, which accrued for work, labor or ser-

VICES performed, or for provisions, boarding of contractors, workmen or others, or for material or supplies of any kind furnished and actually used in the location or construction of either or any part of the lines of railroad of the land grant railroad companies which received said State railroad bonds from the State, and which claim so accrued prior to the time when the State acquired and transferred said lines of railroad to other companies, may file a petition with and addressed to the State Auditor, setting forth the nature and character of such claim or demand, and against whom it accrued and exists, and asking for an adjustment of the same under the provisions of this act. Such petition shall be verified by the petitioner, his agent or attorney, to be true to the best of his knowledge, information and belief. It shall be the duty of the State Auditor to lay all such petitions before the said tribunal herein mentioned, when it convenes for the purposes as in this act provided. Any error, mistake or defect in any such petition may be remedied by amendment thereof in the discretion of said tribunal. No answer to such petition shall be required, but the same shall be deemed as denied by the State, and the burden shall rest upon the petitioner to establish the same by legal evidence the same as would be required to establish the same facts in an action against the party primarily liable therefor. The Attorney General shall represent the State in opposition to any such claims, and written and oral evidence shall be received by such tribunal touching the validity, nature, character and amount of any such claims and demands; and said tribunal shall determine, decide and report as to whether such claims and demands are of the nature and character mentioned in this section, and if so, the amount thereof, principal and interest; but the statute of limitations shall not be allowed to defeat or operate against any such claims.

If said tribunal shall decide that any such claim or claims are of the nature and character herein mentioned, and fall within and are covered by the provisions of this section, then, and in that case, the owners of such claims shall be entitled to receive, and there shall be paid to them, their agents or attorneys, either cash or new bonds of the State of the tenor and effect and in manner as hereinbefore in this act specified, to an amount equal to fifty (50) per cent. of the amount of such claim as shall be reported by said tribunal at the time when settlement is made with the holders of said Minnesota State railroad bonds under the provisions of this act, which sum or sums so paid on claims allowed under this section shall be apportioned among and deducted by the State Auditor from the amount of the Minnesota State railroad adjustment bonds to be issued under this act, in settlement of Minnesota State railroad bonds delivered to and negotiated by the railroad companies that should have paid said claims, and in the construction of whose roads said claims originated. *Provided,*

Claims for labor or materials supplied.

How adjusted.

How claims to be established.

Fifty per cent. of claims to be allowed, and amount deducted from adjustment bonds.

that bonds issued by any of the land grant railroad companies shall not be taken to be within the meaning of the provisions of this section, and said tribunal shall have no power to hear and determine any claim, either based on said bonds or the coupons thereof, or on the original consideration on which said bonds were issued. *And provided further*, that the aggregate amount of money or new bonds to be paid on account of claims provided for in this section shall not exceed one hundred and fifty thousand dollars (\$150,000.00), which sum, if insufficient therefor in full, shall be divided pro rata on the same. *And provided further*, that the amount so paid shall be received in full settlement by the claimant of all further and future demand against the State on account of such claim.

Amount allowed on claims.

SEC. 8. In case of the disqualification of any such judges, or their declination for any reason specially applicable to said court or the judges thereof, the Governor may and shall make up said tribunal by appointment in the place of any judge so disqualified or declining to serve, one of the district judges of this State; and such tribunal so constituted, shall proceed in all respects as provided herein, and all provisions herein applicable to the Judges of the Supreme Court shall be applicable to the District judges so appointed, and the Clerk of the Supreme Court shall act as clerk of said tribunal, and the decision of said tribunal shall be filed with him and he shall make and certify a copy of their decision, and file the same in the office of the State Auditor, in all respects as herein provided in respect to the decision of the Judges of the Supreme Court; and the same proceedings shall be had upon the filing of said decision of said district judges, as herein provided in case of the filing of the decision of the Judges of the Supreme Court, and they shall be entitled to the same compensation.

Vacancies in tribunal—how filled.

SEC. 9. The Governor, Auditor of State and Attorney General shall be, and they are hereby constituted a Board of Commissioners under this act, whose duty it shall be to set apart annually from the sum received by the State from the various railroad companies in this State, in payment of taxes upon their gross earnings, a sufficient sum to meet the semi-annual payments of interest on said bonds to be issued under the provisions of this act.

Board of commissioners—their duties.

SEC. 10. It shall be the duty of the Treasurer of State to pay the semi-annual maturing interest coupons attached to said bonds, as they mature, at the place in the city of New York which shall be designated in said bonds, upon the warrant of the Auditor of State, out of the funds so set apart for said purposes aforesaid.

Treasurer shall pay maturing interest.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 2, 1881.

CHAPTER 103.

AN ACT TO PROVIDE FOR THE REPORTING, PUBLISHING AND SELLING OF THE MINNESOTA REPORTS.

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

SECTION 1. The Supreme Court reporter shall as soon as practicable after the decisions of the Supreme Court are filed, and within ninety (90) days after the filing of a sufficient number of decisions to constitute a volume as hereinafter provided, furnish and deliver to the contractors with the State for the printing, stereotyping, publishing and selling of the future volumes of the Minnesota Reports as hereinafter provided, copies of such decisions with the syllabi as written by the court, and brief abstracts of the cases, and briefs of counsel if necessary, with names of counsel in such case, and an index, to be published in suitable volumes. Each volume of said reports shall contain not less than six hundred (600) pages, to be stereotyped, printed and bound in a good substantial manner and form, of good material for law books, the width of a printed page shall be four and one quarter (4 $\frac{1}{4}$) inches or twenty-six (26) ems pica, and in all other respects the same style and quality as volume twenty-five (25) of the Minnesota Reports, to be approved by the Supreme Court judges, or a majority of them.

Printing reports of supreme court.

Manner of executing work.

SEC. 2. The Supreme Court Reporter shall have no pecuniary interest in such reports, but the same shall be published under the supervision of Supreme Court Reporter, by contract to be entered into by the West Publishing Company, present publishers of the Supreme Court Reports, with the State, and said publishers shall agree to publish and sell the same at the place of publication within this State, and at all times keep the same on sale at such place of publication in quantities of one (1) or more, not exceeding twenty-five (25) copies at any one time, and upon reasonable notice of not less than ten (10) days, for the uniform price of two dollars (\$2) per volume, and if any such volume shall in any way, or from any cause, contain more than six hundred (600) pages,

Shall be kept on sale.