

CHAPTER 196—S. F. No. 696.

An Act to amend chapter 162 of the Laws of 1905, entitled "An Act to provide for the appraisal and sale of school lands and other state lands, and fixing the minimum price therefor, and relating to the rights of settlers thereon."

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

Appraisal of school lands.—Section 1. Whenever in the opinion in the land commissioner of the State of Minnesota it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall appoint one appraiser, who shall be one of the regularly employed state cruisers, and who shall not be a resident of the county in which the lands to be appraised are situated, and notify the governor, who shall appoint one appraiser who may be a resident of such county. The land commissioner shall also notify the commissioners of such county, who shall appoint a third appraiser; such appointments by the governor and county commissioners shall be made within thirty (30) days after such notice. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before such person qualified to administer oaths that he will faithfully and impartially discharge his duties as appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the school or other state lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report made of such appraisal, said appraisers after taking oath of office shall proceed to view and appraise such lands and the improvements thereon and make a report thereof to the land commissioner as he may direct. The valuation of such lands and the timber shall each be made and stated separately in the appraisal, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than five (\$5.00) dollars per acre. Such appraisers shall receive as compensation for their work the sum of five (\$5.00) dollars per day for each day actually employed, which shall include all expenses, except railroad fare, actually expended. The land commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house in the county in which the sale is to take place, at least three months in advance of such sale, in addition to the regular notice of sale provided by law. At said sales the land commissioner shall sell such lands as he considers for the public interest. Where land mainly valuable for agricultural purposes, as shown by the ap-

praisement and other reports in the office of the land commissioner contain only small quantities of pine, tamarack, or other timber, the land commissioner may in his discretion, either sell the timber separately in the manner provided by law for state timber sales, or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the fifteen per cent first payment required on the land. It shall be the duty of the appraisers to report to the land commissioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or improved shall thereafter be re-appraised before being offered for sale. *Provided*, that if the improvements upon said land were made by one who in the opinion of the state land commissioner settled upon said land in good faith, believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to this state, then the value of such improvements shall be appraised separately, and if at the sale of such land the settler who made the improvements shall be the purchaser, he shall not be required to pay for such improvements; but if a person other than such bona fide settler purchased said land and the improvements at such sale, such purchaser shall pay to the state within thirty days, the full amount for which improvements are appraised and the amount so received by the state for such improvements shall be paid over to such settler, his heirs, or assigns by warrant drawn by the state auditor upon the state treasury, and the amount necessary to make such refundment is hereby annually appropriated.

Provided further, that in order to be permitted to purchase such land and improvements from the state without paying for the improvements, the bona fide settler must make such purchase at the first sale held by such state auditor in which the land in question is offered for sale, and

Provided further, that prior to such sale by the state auditor any and all contest proceedings or actions involving the land in question, which had been instituted or are pending relative to the land in question, must have been finally determined.

Inconsistent acts repealed.—Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 18, 1911.