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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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CHAPTER XXXVIII.

PUBLIC LANDS.

TITLE I.

SCHOOL LANDS.

Amendment 1874

on Statute  
32 M. P.  
1080 G. S. 13

1862—p. 122, Sect. 1.

1 SECTION 1. A state land office is hereby established  
2 which shall be and remain at the seat of government of the  
3 state as fixed by law.

1862—p. 122, Sects. 2  
& 3. Amended.

1 SECT. 2. The state auditor shall be *ex officio* commis-  
2 sioner of the land office. He shall have the general charge  
3 and supervision of all lands belonging to the state, of all  
4 lands in which the state has an interest, or which are held  
5 in trust by the state, and may superintend, lease, sell and  
6 dispose of the same in such manner as shall be directed by  
7 law.

1862—p. 122, Sect. 4.

1 SECT. 3. The commissioner shall keep a record of the  
2 sales of lands, and of the money received on account either  
3 of principal or interest, the date of such sale or payment,  
4 the description of the lands sold, with the number of acres  
5 thereof and the name of each purchaser or person paying  
6 such moneys, and shall credit the proper fund therewith.

1862—p. 122, Sect. 5.

1 SECT. 4. He shall annually make a report to the legis-  
2 lature, of his official proceedings, showing the quantity of  
3 land sold or leased, and the amount received therefor; the  
4 amount of interest moneys received to the credit of the sev-  
5 eral funds, and all such other matters relating to his office  
6 as he may think proper to communicate.

1862—p. 122, Sect. 6.

1 SECT. 5. The commissioner of the land office shall have  
2 the custody of all maps, books and papers relating to any  
3 of the public lands mentioned in this title. He shall have  
4 an official seal with a proper device thereon, and the seal of  
5 the land office affixed to any certificate of purchase, receipt  
6 or other instrument issued by the commissioner of the land  
7 office, according to the provisions of this title, is *prima fa-*  
8 *cia* evidence of the due execution of such certificate or other  
9 paper.

1 SECT. 6. The minimum price of the school lands shall  
2 be five dollars per acre, and all sales of said lands shall be

3 within the county in which said lands are situated; *Provid-*  
 4 *ed*, That pine lands may be sold at such place as may be 1863-p. 46, Sect. 1. c/2  
 5 designated by the commissioner of the state land office, but  
 6 no lands shall be sold for less than the minimum price, nor  
 7 less than the appraised value.

17 SECT. 7. The terms of payment on the sale of the lands  
 2 mentioned in the preceding section are: for pine timber 1862-p. 123, Sect. 8. c/2  
 3 lands, the whole amount; for other timber lands, which are  
 4 chiefly valuable for the timber thereon, seventy-five per  
 5 cent. to be paid at the time of sale, and for all other lands  
 6 fifteen per cent. to be paid at the time of sale, and the bal-  
 7 ance of the purchase money at any time thereafter, from  
 8 time to time within twenty years, at the option of the pur-  
 9 chaser, with interest annually in advance at the rate of seven  
 10 per cent. per annum on the unpaid balance, payable on the  
 11 first day of June or within six days thereafter in each and  
 12 every year.

1 SECT. 8. At the time of the sale of any such lands, the  
 2 commissioner shall make out and deliver to the purchaser 1863-p. 46, Sect. 2. c/2  
 3 thereof, a certificate, in which the said commissioner shall  
 4 certify the description of the lands sold, the quality thereof,  
 5 and the price per acre the consideration paid and to be paid  
 6 therefor, and the time and terms of payment. Such certificate  
 7 shall be numbered and made assignable, but no certificate shall  
 8 be delivered to the purchaser by the commissioner until the  
 9 sum of money required by this title to be paid at the time  
 10 of the sale, is paid to the treasurer of the county where said  
 11 sale takes place, and in case the purchaser fails to pay the  
 12 amount so required to be paid at the time of said sale, said  
 13 commissioner may again immediately offer said land for  
 14 sale, but no bid shall be received from the person so failing  
 15 to pay as aforesaid.

1 SECT. 9. The said certificate shall further set forth, that  
 2 in case of non-payment of the annual interest, due by the 1862-p. 123, Sect. 10. c/2  
 3 first day of June, or within six days thereafter, in each and  
 4 every year by the purchaser or by any person claiming un-  
 5 der him, then the said certificate shall, from the time of such  
 6 failure, be utterly void, and the said commissioner may take  
 7 possession thereof and re-sell the same as hereinafter pro-  
 8 vided.

1 SECT. 10. The said commissioner shall, whenever in his  
 2 opinion the interests of the state will not be secured by the  
 3 terms of payment in this title required to be made at the 1862-p. 123, Sect. 11.  
 4 time of the purchase, require of the purchaser such further  
 5 security for the payment of moneys to become due, and pay-  
 6 able according to the terms of the certificate of purchase,

7 as in his judgment will secure the respective funds against  
8 loss.

c12 1863—p. 47, Sect. 3.

1 SECT. 11. The governor shall sign and cause to be is-  
2 sued under the seal of the state land office of this state, and  
3 attested by the commissioner of patents for the lands describ-  
4 ed in the certificates of sale, whenever the same are pre-  
5 sented to him, with the further certificate of the commis-  
6 sioner endorsed thereon, that the whole amount of princi-  
7 pal and interest specified therein, and all rents and taxes  
8 due on said lands have been paid, and that the holder of  
9 the certificate is entitled to a patent of the lands described  
10 therein, and the governor shall in like manner, sign and  
11 cause to be issued, patents of said land to any purchaser,  
12 of the right, title and interest of the original purchaser,  
13 his heirs or assigns, at an execution or mortgage sale, upon  
14 presentment to him of the certificate of the commissioner,  
15 that the whole amount of principal, interest, rents and taxes  
16 due thereon, has been paid according to law, and that said  
17 purchaser at execution or mortgage sale, is entitled to a  
18 patent for the land described in such certificate.

c67 1862—p. 124, Sect.  
13.

1 SECT. 12. The fee of each parcel of said land shall be,  
2 and remain in the state until patents are issued for the same  
3 respectively, upon full payment as aforesaid, and in case of  
4 non-compliance by the purchaser, his heirs or assigns, with  
5 the terms of the certificate as aforesaid, or with the provis-  
6 ions of law applicable thereto, any and all persons being or  
7 continuing in possession of any such lands, after a failure to  
8 comply with the terms of the certificate as aforesaid, or  
9 with such provisions of law as aforesaid, without a written  
10 permission of the commissioner of the state land office, shall  
11 be deemed and held to detain such land forcibly and with-  
12 out right, and to be trespassers thereon.

c62 1862—p. 124, Sect.  
14.

1 SECT. 13. In all cases where security is taken for the  
2 purchase moneys pursuant to the provisions of the tenth  
3 section of this title, the commissioners may sue for and re-  
4 cover all such sums as have become due and payable for  
5 which such security was given.

1862—p. 124, Sect.  
15.

1 SECT. 14. Whenever the interest of the state will be  
2 promoted in the opinion of the commissioner, by laying off  
3 any portion of the land under his control into small parcels  
4 or village lots, the said commissioner may cause the same to  
5 be done and shall cause the same to be appraised as provi-  
6 ded in the next section.

1 SECT. 15. The appraisers provided for in this title shall  
2 be appointed as follows, viz: one by the commissioner of

3 the state land office, and the other two by the county com-  
 4 missioners of each county in which lands are to be appraised  
 5 or sold. Such appraisers shall, before entering upon their <sup>1862-p. 126, Sect.</sup>  
 9 duties of office, take and subscribe an oath or affirmation <sup>16.</sup> c 6 2  
 7 before some person qualified to administer oaths, that they  
 8 will faithfully and impartially discharge their duties as ap-  
 9 praisers according to the best of their ability, and that they  
 10 are not interested directly or indirectly in any of the school  
 11 lands or the improvements thereon, and have entered into  
 12 no combination to purchase the same or any part thereof,  
 13 which said oath or affirmation shall be attached to the re-  
 14 port made of such appraisal as hereinafter provided. Said  
 15 appraisers shall be allowed as compensation for their servi-  
 16 ces and expenses, two dollars per day to be paid out of the  
 17 state treasury.

1 SECT. 16. All parcels or lots so appraised shall be sub-<sup>1862-p. 126, Sect.</sup>  
 2 ject to sale in the same manner and upon the same terms and <sup>17.</sup>  
 3 conditions, and the certificates of purchase shall have the  
 4 same effect as in the case of other lands for which provision  
 5 is made in this title, at the prices at which the same were  
 6 severally appraised, until a new appraisal is made, which  
 7 the commissioner may, in his discretion cause to be had, in  
 8 the manner aforesaid, and with the like effect; but no lots  
 9 or parcels so appraised shall be sold for less than the min-  
 10 imum price of said lands, established in this title.

1 SECT. 17. Certificates of purchase issued pursuant to the  
 2 provisions of law, entitle the purchaser to the possession of <sup>1862-p. 126, Sect.</sup>  
 3 the lands therein described, and are sufficient evidence of title <sup>18.</sup>  
 4 to enable the purchaser, his heirs or assigns, to maintain  
 5 actions for injuries done to the same, or any action or pro-  
 6 ceeding to recover possession thereof, unless such certificate  
 7 has become void by forfeiture and all certificates of pur-  
 8 chase in force may be recorded in the same manner that  
 9 deeds of conveyance are authorized to be recorded.

1 SECT. 18. All moneys received for any lands belonging  
 2 to this state, shall be paid into the state treasury, and for <sup>1862-p. 126, Sect.</sup>  
 3 the amount paid, the treasurer shall give his receipt, which <sup>19.</sup>  
 4 shall be countersigned by the auditor, and a statement of  
 5 all such payments shall be transmitted to the commissioner of  
 6 the land office by said treasurer, on or before the first Mon-  
 7 day in each month, stating explicitly to which fund each  
 8 entry belongs, and designating between principal and in-  
 9 terest.

1 SECT. 19. In all cases where the rights of a purchaser <sup>1862-p. 126, Sect.</sup>  
 2 have become forfeited under the provisions of this title by <sup>20.</sup>  
 3 failing to pay the amount due upon his certificate of pur-

4 chase, if such purchaser, his heirs or assigns, shall, before  
 5 the time appointed for the sale of the lands described in  
 6 such certificate at public auction, pay to the state treasurer  
 7 double the amount of interest then due and payable on such  
 8 certificate, and all costs which have been incurred in addi-  
 9 tion thereto, such payment shall operate as a redemption of  
 10 the rights of such purchaser, his heirs or assigns; and said  
 11 certificate, from the time of such payment, shall be in full  
 12 force and effect as if no such forfeiture had occurred.

c 62 s 2 /

1 SECT. 20. The unimproved forfeited lands shall contin-  
 2 ue at the minimum or appraised value per acre, as estab-  
 3 lished in this title.

c 12 1863—p. 47, Sect. 4.

1 SECT. 21. The assessors in the several towns and cities  
 2 shall annually at the time of making the assessment of taxes  
 3 appraise all school lands in their several towns and cities,  
 4 which are occupied and improved by any person, and make  
 5 a return of the number of acres improved, and all land  
 6 which is fenced shall be deemed to be improved, and the  
 7 assessors aforesaid shall enter upon the general assessment  
 8 roll, the name of the person occupying such school land,  
 9 the number of acres improved, a full description of the  
 10 land, and the value of the same per acre; *Provided*, That  
 11 no land for the purpose contemplated by this section, shall  
 12 be assessed at less than two and 50-100 dollars per acre.  
 13 The county auditors in the several counties of this state  
 14 shall extend upon the several personal property tax rolls in  
 15 their counties upon the assessed valuation of all school lands  
 16 returned by the several assessors in their respective towns  
 17 and cities, in accordance with this section, a tax of seven  
 18 per centum upon such valuation as rents, which tax shall be  
 19 collected in the same manner that the tax upon personal  
 20 property is collected, and such tax shall be a lien upon all  
 21 improvements upon such land, and may be collected of any  
 22 person occupying the same, in the same manner that any  
 23 tax upon the personal property of such person is collected  
 24 by law, and the improvements of any person or persons  
 25 upon any of the school land of this state, are hereby declar-  
 26 ed to be personal property, within the meaning of this title,  
 27 and may be sold as such, for the tax assessed upon such  
 28 land, in accordance with this title. The several county  
 29 auditors on or before the last day of December, annually,  
 30 shall make a return to the state auditor, giving a descrip-  
 31 tion of all school land in their respective counties, upon  
 32 which there are settlers, and the amount of tax assessed, as  
 33 rents, by virtue of this title.

c 62 1862—p. 128, Sect. 23.

1 SECT. 22. Whenever it appears to the commissioner  
 2 necessary, in order to ascertain the true boundaries of any

3 tract or portion of lands mentioned in this title, or to enable  
4 him to describe or dispose of the same in suitable and con-  
5 venient lots, he may cause all such necessary surveys to be  
6 made; and the expenses thereof shall be paid out of the  
7 state treasury as other incidental expenses of the land office  
8 are paid.

1 SECT. 23. The commissioner shall immediately transmit  
2 to the auditor of each county in which any lands mentioned <sup>1862—p. 127, Sect.</sup>  
3 in this title have been sold during the year, a detailed de- <sub>24.</sub>  
4 scription of each parcel of the land so sold, the names of  
5 the purchasers, and the auditor shall extend the same upon  
6 his tax duplicate for the purpose of taxation the same as  
7 other lands. c 62

1 SECT. 24. Whenever the commissioner shall lay off any <sup>1862—p. 127, Sect.</sup>  
2 tract of land into small parcels or village lots, as provided <sub>25.</sub>  
3 in this title, he shall cause a correct map of the same to be  
4 entered of record in the county where said lands are situ-  
5 ated.

1 SECT. 25. The registers of deeds of the several counties  
2 of this state are authorized to record all patents issued by <sup>1862—p. 127, Sect.</sup>  
3 the governor pursuant to the provisions of this title, and the <sub>26.</sub>  
4 record thereof, shall have the same effect as the record of  
5 other conveyances executed according to the laws of the  
6 state.

1 SECT. 26. The necessary incidental expenses of the <sup>1862—p. 127, Sect.</sup>  
2 land office, shall be paid out of the state treasury, and upon <sub>27.</sub>  
3 satisfactory vouchers therefor, the state auditor shall issue  
4 his warrant for the same.

1 SECT. 27. In case of any sale made by mistake, or not,  
2 in accordance with law, or obtained by fraud, the same <sup>1862—p. 127, Sect.</sup>  
3 shall be void, and the certificate of purchase issued thereon <sub>28.</sub>  
4 shall be of no effect, but the holder of such certificate shall  
5 be required to surrender the same to the commissioner who  
6 shall, except in cases of fraud on the part of the purchaser,  
7 cause the money to be refunded to the holder thereof.

1 SECT. 28. All sales of land made by the commissioner <sup>1862—p. 127, Sect.</sup>  
2 of the land office, shall be made for specie or anything made <sub>29.</sub>  
3 a legal tender by the laws of the United States.

1 SECT. 29. The legal assignees of all *bona fide* purchas- <sup>1862—p. 127, Sect.</sup>  
2 ers of any of the lands mentioned in this title, are subject to <sub>30.</sub>  
3 and governed by the provisions of law applicable to the res-  
4 pective purchasers of whom they are the assignees, and they  
5 shall have the same rights, in all respects as original pur-  
6 chasers of the same class of lands.

c 62  
1862—p. 127, Sect.  
31.

1 SECT. 30. All sales of land by the commissioner shall be  
2 made according to the sub-divisions thereof by the United  
3 States surveys, unless the same are laid off into smaller lots  
4 as provided in this title: *Provided*, That no lands shall  
5 be sold in larger quantities than one-quarter section.

1862—p. 128, Sect.  
32.

1 SECT. 31. All damages recovered for any trespass or  
2 other injury upon or to any of the lands mentioned in this  
3 title, shall be paid over to the state treasurer for the bene-  
4 fit of the fund to which the same properly belongs.

1862—p. 128, Sect.  
33.

1 SECT. 32. Whoever commits any wilful trespass upon  
2 any of the lands owned or held in trust or otherwise by this  
3 state, either by cutting down or destroying any timber or  
4 wood standing or growing thereon, or by carrying away  
5 any timber or wood therefrom, or who injures or removes  
6 any building, fences, improvements or other property be-  
7 longing or appertaining to said lands, or aids, directs or  
8 countenances such trespass or other injury, shall be deemed  
9 guilty of a misdemeanor, and on conviction thereof, shall  
10 be punished by imprisonment in the county jail not more  
11 than one year, or by fine not exceeding five hundred dol-  
12 lars, or both such fine and imprisonment, in the discretion  
13 of the court.

1862—p. 128, Sect.  
34.

1 SECT. 33. It is the duty of every court having jurisdic-  
2 tion of the same, especially to charge the grand jury, at  
3 each term of such court, to inquire into all offenses against  
4 the provisions of this title, and present any person who may  
5 be guilty of any such offense within their county.

1862—p. 128, Sect.  
35.

1 SECT. 34. Whoever commits any trespass upon any of  
2 the lands owned or held in trust, or otherwise, by this state,  
3 shall be liable in treble damages, in an action of trespass,  
4 to be brought in the name of the people of this state, if such  
5 trespass is adjudged to have been wilful, but single dam-  
6 ages only shall be recovered in such action, if such trespass  
7 is adjudged to have been casual and involuntary.

1862—p. 128, Sect.  
36.

1 SECT. 35. In case any person holds or continues in pos-  
2 session of any of the lands mentioned in this title, contrary  
3 to the conditions or covenants of any lease or written agree-  
4 ment, he shall be liable to an action of forcible entry and  
5 detainer, or any other proper action for the recovery of  
6 possession of such lands, and damages for the detention of  
7 the same.

c 15  
1864—p. 45, Sect. 1.

1 SECT. 36. The county attorneys of the several counties  
2 shall promptly report to the commissioner all trespasses  
3 committed upon any of said lands, which may come to their

4 knowledge, and shall, when directed by the attorney gene-  
5 ral, prosecute all actions for any trespass or injury thereto,  
6 or for the recovery of possession thereof or otherwise.

1 SECT. 37. The attorney general, whenever requested by  
2 the commissioner, shall advise with and give his opinion 1864-p. 45, Sect. 2. c 15  
3 upon all questions of law which are submitted to him by  
4 said commissioner, relating to the duties of his office, and  
5 prosecute or cause to be prosecuted by the county attorneys  
6 whenever in his opinion the public interest requires it, any  
7 person who may be charged with any indictable offense un-  
8 der this title.

1 SECT. 38. The purchasers of any of the lands mentioned  
2 in this title, or their assigns, may pay to the treasurer of the  
3 county in which such lands lie, any amount which may be 1862-p. 129, Sect. 39. c 6 2  
4 due from time to time on their several certificates, either  
5 for principal, interest or penalty, and for the amount so  
6 paid, the said county treasurer shall give to such person  
7 his receipt specifying the amount paid, date of payment,  
8 whether for principal, interest or penalty, and the fund to  
9 which it is applicable, the number of the certificate, the  
10 name of the original purchaser of the land, which receipt  
11 shall be countersigned by the auditor of said county, and  
12 have the same force and effect as if given by the state trea-  
13 surer.

1 SECT. 39. Before any county treasurer receives moneys  
2 under the preceding section, he shall execute and give to  
3 the state a bond with sufficient sureties, in an amount to be  
4 fixed by the commissioner of the state land office, not less 1862-p. 129, Sect. 40. Amended.  
5 than double the sum liable to come into his hands by virtue  
6 of this title, which bond shall be conditioned for the hon-  
7 est and faithful discharge of all trusts and responsibilities  
8 imposed by this chapter; and for the faithful payment of  
9 and accounting for all moneys received by him under the  
10 provisions of this title, to the state treasurer or other  
11 person entitled to receive the same; the sureties to be ap-  
12 proved by the judge of probate and register of deeds.

1 SECT. 40. The county treasurer shall issue duplicate re- 1862-p. 129, Sect. 41.  
2 cepts for all moneys received by him under the provisions  
3 of this title, one of which he shall without delay deposit  
4 with the county auditor.

1 SECT. 41. The county auditor, on receiving any such 1864-p. 46, Sect. 3. c 15  
2 duplicate receipt, shall note on the back thereof the date of  
3 receiving the same, and shall also enter in a book to be  
4 procured by him at the expense of the county, the amount  
5 for which such receipt was given, and whether the same was

6 for principal, interest or penalty, specifying the amount of  
 7 each, the number of the certificate, the name of the person  
 8 to whom issued, and the name of the fund to which the  
 9 money belonged; and on the first Monday of every month,  
 10 he shall forward all such receipts to the commissioner of  
 11 the state land office. The county auditor shall act as clerk  
 12 of school land sales, and immediately after the close there-  
 13 of shall report to the state treasurer the number of acres of  
 14 land sold, the amount for which the same sold, the amount  
 15 of principal and interest paid, and the amount of principal  
 16 remaining unpaid, and for each and every day so engaged,  
 17 the county auditor shall be allowed the sum of three dollars,  
 18 to be paid out of any appropriation for the appraisal and  
 19 sale of such lands.

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1862—p. 130, Sect.  
43.

1 SECT. 42. The commissioner of the state land office shall  
 2 transmit to each county treasurer to whom moneys may be  
 3 paid under this title, a blank bond with the penal sum fixed  
 4 as provided in the thirty-ninth section aforesaid, which the  
 5 treasurer shall execute and procure, to be approved as here-  
 6 inbefore provided, and return to the said commissioner,  
 7 who shall file and carefully preserve the same in his office.

1862—p. 130, Sect.  
44.

1 SECT. 43. On or before the first day of May in every  
 2 year, the commissioner shall cause to be made out and  
 3 transmit to such county treasurers as have filed their bonds  
 4 with him, properly executed and approved, a statement  
 5 showing the classes of land sold in that county, the number  
 6 of the certificates of purchase, the name of the person to  
 7 whom each certificate was issued, and the amount of both  
 8 principal and interest due on each on the first day of June,  
 9 together with such directions, instructions and blanks, as  
 10 shall enable the county treasurer to carry out the provisions  
 11 of this title.

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1864—p. 46, Sect. 4.

1 SECT. 44. All moneys received by the county treasurer  
 2 under the provisions of this title, shall be held at all times  
 3 subject to the order and direction of the state treasurer, for  
 4 the benefit of the funds to which such moneys respectively  
 5 belong; and on the first day of August in each year, and at  
 6 such other times as he may be requested so to do by the  
 7 state treasurer, he shall pay over to the said state treasurer  
 8 all moneys received on account of such funds. And on the  
 9 30th day of November in each year, he shall report to the  
 10 superintendent of public instruction the amount of moneys  
 11 so received during the year next preceding, and to what  
 12 fund the same belongs.

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1863—p. 46, Sect. 6.

1 SECT. 45. Whenever in the opinion of the commissioner,  
 2 it will be for the interest of the people of this state, that an

*Appraisal of  
School Lands*

3 appraisal of any of the school lands, or of the improvements  
4 thereon, should be made, he shall appoint an appraiser in the  
5 county in which the lands to be appraised are situated, and no-  
6 tify the county commissioners of said county, to appoint two  
7 appraisers, and thereupon the said county commissioners  
8 shall within ten days, appoint such appraisers, and said ap-  
9 praisers shall proceed to appraise such lands and the im-  
10 provements thereon, if any, as the commissioner may di-  
11 rect, and the valuation of such lands and improvements  
12 shall be separately made and stated in the appraisal,  
13 and the minimum price established by such appraisal shall  
14 be the minimum for such lands until changed by a subse-  
15 quent appraisal; but no lands shall be sold for less than  
16 the minimum price established by this title, but not more  
17 than one hundred thousand acres of school lands shall be  
18 sold in any one year.

1 SECT. 46. Before any sale at auction of any of the  
2 lands mentioned in this title, the commissioner of the land  
3 office shall cause notice of the time and place of such sale  
4 to be published in one or more newspapers before said sale,  
5 and in one newspaper in each county in which such lands  
6 are to be sold, if any; if there is no newspaper printed and  
7 published in the county, the same shall be published in  
8 some newspaper printed and published at the capital of the  
9 state, for six successive weeks before said sale.

1864—p. 47, Sect. 5.  
Amended.

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1 SECT. 47. The commissioner of the land office shall re-  
2 move from any lands belonging to this state, any and all  
3 persons who have since the first day of January, one thou-  
4 sand eight hundred and sixty-one, entered upon or made a  
5 settlement thereon without authority of law, or who here-  
6 after enters upon the lands aforesaid without such authori-  
7 ty, with intent to improve or occupy any part thereof, in  
8 the same manner as is provided by law for the removal of  
9 trespassers upon the lands of private individuals.

1862—p. 131, Sect.  
49.

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1 SECT. 48. If any person purchases any of the lands  
2 mentioned in this title, upon which other parties have made  
3 improvements, they shall be required to pay the owner of  
4 said improvements their appraised value as provided for here-  
5 in, one-half to be paid at the time of sale, and the balance  
6 within six months thereafter, with interest at seven per  
7 cent. per annum: *provided*, that in appraising improve-  
8 ments upon any of the lands aforesaid, the appraisers shall  
9 take into consideration and deduct from the value of said  
10 improvements any waste or damage to the said lands by  
11 the parties making the improvements or occupying the  
12 lands.

1862—p. 132, Sect.  
50.

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1862—p. 132, Sect.  
51.

1 SECT. 49. The principal sum arising from all sales of  
2 school lands, shall remain a perpetual school fund, and  
3 shall not be reduced by any charges or costs of officers, by  
4 fees or by any other means whatever.

1862—p. 132, Sect.  
52.

1 SECT. 50. All moneys received as interest on such per-  
2 manent fund, or rents of leased lands, or penalties, shall  
3 constitute the current school fund of the state, and shall be  
4 distributed semi-annually as directed by law.

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1864—p. 47, Sect. 53.

1 SECT. 51. All moneys received from the sale of any of  
2 the lands mentioned in this title, or interest accruing from  
3 such sale, shall be paid into the state treasury, and the pur-  
4 chase money so received, may be invested in Minnesota  
5 bonds, (railroad bonds always excepted,) or in United  
6 States bonds, bearing not less than six per cent. interest,  
7 and the governor, treasurer and state auditor are constitu-  
8 ted a board of commissioners to invest said funds; it shall  
9 be the duty of the state treasurer, to place to the credit of  
10 the respective funds, when received, the interest accruing  
11 on said bonds, and pay over the same as directed by law.  
12 The bonds purchased in accordance with this section, shall  
13 not be transferable, except upon the order of the Governor,  
14 and on such bonds shall be written "Minnesota school  
15 fund bond, transferable only upon the order of the gover-  
16 nor." The state auditor shall keep a record of such bonds,  
17 stating the name of stock, when issued, when redeemable,  
18 rate of interest, when and where payable, number and  
19 amount of bond, by whom executed, when purchased,  
20 when withdrawn, and for what purpose, and he shall credit  
21 the state treasurer for such bonds when purchased, and  
22 charge the same to the proper fund.

c 12

1863—p. 50, Sect. 55.

1 SECT. 52. The commissioner of the state land office may  
2 whenever in his opinion, the best interest of the school  
3 fund will be promoted thereby, grant permits for the cut-  
4 ting of pine timber upon the pine school lands of this  
5 state, under such restrictions and regulations as he deems  
6 proper, or as may be prescribed by law, but no permit to  
7 cut pine timber under this title shall be granted, or such  
8 timber offered for sale, until a minimum price per thousand  
9 feet for such timber has been fixed by the surveyor general  
10 of logs and lumber, for the district in which such pine land  
11 is situated, and approved by the commissioner of the state  
12 land office, and no permit shall be granted for a less price  
13 than the minimum so established; and it shall be the duty  
14 of the several surveyor generals of logs and lumber, in this  
15 state, when requested so to do by the said commissioner,  
16 to fix a minimum price upon any pine timber in their seve-  
17 ral districts, and if to fix such price it is necessary to make

18 a personal examination of such timber land, they shall be  
 19 allowed the sum of two and 50-100 dollars per day, while  
 20 so employed, to be paid by the state, and no such permit  
 21 shall be granted to any person but at public auction, after  
 22 notice of such sale at least thirty days before such day of  
 23 sale, in some newspaper printed and published in the coun-  
 24 ty where such sale is to be made, and if there is none, then  
 25 in some paper having general circulation in such county,  
 26 and also in the official paper of the state, published in St.  
 27 Paul, and published for thirty days before such day of sale ;  
 28 and all pine lumber, cut upon any school land, by virtue of  
 29 this title, shall be and remain the property of the state un-  
 30 til all money due the state, under permits for cutting the  
 31 same, is fully paid. All money received for pine timber  
 32 cut under the provisions of this title, shall be a part of the  
 33 permanent school fund, and shall be invested in accordance  
 34 with the provisions of section fifty-one of this title. The  
 35 commissioner of the land office is authorized to sell from  
 36 year to year, the right to cut grass, gather cranberries, and  
 37 make maple sugar upon the school lands.

## TITLE II.

## AGRICULTURAL COLLEGE LANDS.

1 SECT. 53. All lands donated to the state of Minnesota  
 2 for the purpose of providing colleges for the benefit of agri- 1863-p. 32, Sect. 1. c 9  
 3 culture and the mechanic arts, under the act of congress,  
 4 approved July second, eighteen hundred and sixty-two, an  
 5 act donating lands to the several states and territories which  
 6 may provide colleges for the benefit of agriculture and me-  
 7 chanic arts, shall be appraised and sold, and the moneys arising  
 8 therefrom shall be invested in the same manner as is provi-  
 9 ded by law for the appraisement and sale and investing the  
 10 moneys of school lands under the provisions of the forego-  
 11 ing title, except that there shall be written on the bonds,  
 12 bonds of the agricultural college of Minnesota, transferable  
 13 only upon the order of the governor. *Provided*, That no  
 14 such lands shall be sold for a less sum than five dollars per  
 15 acre, nor for less than the appraised value thereof.

1 SECT. 54. All moneys derived from the sale of the lands  
 2 aforesaid shall be invested in stocks of the United States, 1863-p. 33, Sect. 2.  
 3 or of this state yielding not less than five per centum upon  
 4 the par value of said stocks ; and the moneys so invested  
 5 shall constitute a perpetual fund, the capital of which shall  
 6 remain forever undiminished, and the interest of which shall  
 7 be inviolably appropriated to the endowment, support and

8 maintenance of at least one college where the leading object  
9 shall be, without excluding other scientific and classical  
10 studies, and including military tactics, to teach such branch-  
11 es of learning as are related to agriculture and the mechan-  
12 ic arts, in such manner as may hereafter be prescribed, in  
13 order to promote the liberal and practical education of the  
14 industrial classes in the several pursuits and professions of  
15 life.

c 9 1865—p. 33, Sect. 3. 1 SECT. 55. If any portion of the fund invested, as pro-  
2 vided by the foregoing section, or any portion of the inter-  
3 est thereon, shall, by any action or contingency, be lost, it  
4 shall be replaced by the State, so that the capital of the  
5 fund shall forever remain undiminished; and the annual in-  
6 terest shall be regularly applied, without diminution, to the  
7 purposes mentioned in the preceding section, except that a  
8 sum not exceeding ten per centum upon the amount re-  
9 ceived, may be expended for the purchase of lands for sites  
10 or experimental farms, whenever authorized by the legis-  
11 lature.

1865 p. 34, Sect. 4.

1 SECT. 56. No portion of said fund, nor the interest  
2 thereon, shall be applied directly or indirectly, under any  
3 pretence whatever, to the purchase, erection, preservation  
4 or repair of any building.

## CHAPTER XXXIX.

### CHATTEL MORTGAGES.

c 3 3 1860—p. 180, Sect. 1. Amended. 1 SECTION 1. Every mortgage on personal property, which  
2 is not accompanied by an immediate delivery, and followed  
3 by an actual and continued change of possession of the  
4 things mortgaged, shall be absolutely void as against the  
5 creditors, of the mortgagor, and as against subsequent pur-  
6 chasers and mortgagees in good faith, unless it appears that  
7 such mortgage was executed in good faith, and not for the  
8 purpose of defrauding any creditor, and unless the mort-  
9 gage, or a true copy thereof is filed as hereinafter provided.

1860—p. 180, Sects. 2 &amp; 5 combined &amp; amended.

1 SECT. 2. Every such instrument shall be filed in the  
2 town or city where the property mortgaged is at the time  
3 of the execution of such mortgage, and a copy thereof filed  
4 in the town or city where the mortgagor, if a resident of this  
5 state, resides at the time of the execution thereof. In each  
6 town, such instrument shall be filed in the office of the