

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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issuing of such bonds, orders, scrip, or other evidence of indebtedness, or to the assuming and undertaking to liquidate such indebtedness of persons so incurred, or to the allowing and auditing of such accounts or demands, or to any or all of the same, and all proceedings in relation to the assessment, levy and collection of such tax or taxes of which three-fourths have been so paid, be and the same hereby are legalized and valid to all intents and purposes as though the same had been authorized by law. (1867, c. 50, § 1.)

*§ 60. Same—tax where town has been divided. That the action of the county commissioners of any county, the city council of any city, or the supervisors of any town, in this state, in appropriating money, issuing bonds, orders, scrip or other evidence of indebtedness, to pay bounties to soldiers or for the support of the families of soldiers, and pursuant to such action by them heretofore had, or in pursuance of a vote of the electors of any county, city or town, cast at any election heretofore held for that purpose, and any tax which has been levied by any of the authorities specified in this act for the payment of the principal and interest on either of any bonds, orders, scrip, or other evidences of indebtedness, issued for the purpose hereinbefore mentioned, be and the same is hereby legalized and made valid, and the levy and collection of a tax for the payment of the principal and interest thereof shall be legal and binding on such county, city or town the same as if such action had been fully authorized by law, and such tax shall be collected in the same manner as other county, city or town taxes are now collected: *provided*, that in all cases where towns affected by this act have been divided, the taxable property included in the territory forming the town at the time of levying the tax, or the issuing of said bonds, as provided for in this act, shall be subject to taxation for the purposes of paying said bonds or indebtedness the same as though it had remained a part of such town; and such tax shall be levied and collected the same as other taxes. (1869, c. 20, § 1.)

See *ante* c. 36, § 29, as to bonds and taxes in school districts.

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*§ 1. February 22d a legal holiday—no process to be served. That the twenty-second day of February, the anniversary of the birthday of Washington, be observed in this state as a national holiday each and every year hereafter; that no public business, except in case of necessity, shall be transacted on that day, and that no civil process shall be served on that day. (1860, c. 23, § 1.)

BONDS IN LIEU OF RECOGNIZANCES.

*§ 2. Bonds in lieu of recognizances—exception as to certain counties. In all cases where by law a recognizance is required to be given, a bond, executed according to the form now required by the rules of court, with the conditions provided for in case of recognizance, shall be deemed and construed to be sufficient: *pro-*

vided, that such bond shall be entered into and the sureties examined by any court commissioner and approved by such court commissioner; and *provided further*, that this act shall not apply to the counties of Ramsey and Hennepin. (1878, c. 58, § 1.)

UNDERTAKINGS IN LIEU OF BONDS.

*§ 3. *Undertakings in lieu of bonds—exception.* That in all cases of appeal from the board of county commissioners to the district court upon the allowance or disallowance of any account of indebtedness, and in all actions brought before justices of the peace, and in all cases of an appeal from a justice court or a probate court to the district court, and in all actions commenced in the district court, and in all cases of appeal or writ of error to remove a cause or proceeding therein to the supreme court, and in all cases of special or equitable proceedings in either the district or supreme courts, the filing or service, or both, as may be required by law or the practice of the court, of an undertaking signed by a surety or sureties, as the law may require, containing a condition substantially the same as that required by law to be contained in the various bonds now required by law in such cases, with like sureties, qualifications and justifications, and without any acknowledgment and without the seal or signatures of the person or parties taking such proceeding, shall be deemed a sufficient compliance with the law to sustain any such action, appeal or proceeding; and every such undertaking shall be construed in any proceeding taken or had thereon, to save and secure all rights and liabilities to the same extent and in every particular as though a bond had been executed, acknowledged, filed and served in the manner now required by law; and the damages presumed to accrue to the party against which such proceeding is taken, shall be construed to be a sufficient consideration for such undertaking to support the same or any action thereon, though no consideration be mentioned therein: *provided*, that no undertaking or bond need be given or executed in any case before such appeal or other proceeding is instituted or taken in favor of the state of Minnesota, any county, town, city, school district therein, or any executor or administrator as such. (1868, c. 80, § 1.)

LEGAL ADVERTISEMENTS.

*§ 4. *Legal advertisements in paper printed partly in English.* That all notices of sale and foreclosure of mortgages upon real property, of the sale of real estate under or by virtue of any execution, decree, judgment, or otherwise, and all other notices required by law to be published in a newspaper in this state, shall be published in a newspaper printed in the English language: *provided*, however, that in counties in which one or more newspapers are published in a foreign language, or partly in the English and partly in the foreign language, the publication of all such advertisements aforesaid, may (in the discretion of the party at whose instance they [are] published, or the party who is by law required to cause such publication to be made, and in a judicial proceeding with the approval and by order of the court before whom the publication is required to be proved), be made in the English language in a newspaper printed in a foreign language, or in a newspaper printed partly in the English and partly in a foreign language; and that all such newspapers so published shall be deemed a proper medium for the publication of all legal advertising. (1878, c. 54, § 1.)

*§ 5. *Same—prior publications legalized.* All publications heretofore made in this state, required by law to be made in a newspaper, that were made in a newspaper printed and published in a foreign language, and otherwise made in conformity with the rules and requirements of law, shall be deemed valid and legal to all intents and purposes. (*Id.* § 2.)

***§ 6. Legal advertisements in "patent inside" newspapers.** Any newspaper filling the requirements of section one hundred and thirty-six, chapter one of the General Laws of one thousand eight hundred and seventy-four, as amended by an act approved March third, one thousand eight hundred and seventy-six, shall be deemed a proper medium for the publication of all legal advertising, notwithstanding a portion of said newspaper may be printed in another county or State from that in which its known office of publication is located, (1877, c. 113, § 1.)

The section referred to is identical with c. 11, § 110, *supra*.

STORAGE AND TRANSPORTATION OF GRAIN.

***§ 7. Rate for handling grain in elevators, etc.—who not to be inspectors.** It shall not be lawful for any railroad company or person, association or corporation engaged in the business of keeping an elevator or warehouse situated upon the line of any railroad in this state, for receiving and handling grain for other persons, to charge any greater sum than two cents per bushel for receiving, elevating, handling and delivering such grain; nor shall it be lawful for any such railroad company, person, association or corporation to employ or allow any person to act as inspector of the grain received into their elevator or warehouse who is in any manner, directly or indirectly, interested in the purchase or shipping thereof. (1874, c. 31, § 1.)*

***§ 8. When R. R. Co. refuses to handle grain at legal rate, private persons, etc., may erect elevators, etc.** Whenever any railroad company shall refuse to receive, store, handle and deliver grain, at any station on the road, at the rates provided in section one of this act, then in such case, said railroad company shall, upon demand, allow any person, association or corporation, to erect and maintain, at such station, adjoining the railroad track, or side-track, warehouses to receive, store and ship grain; or, at the option of the railroad company, such company shall build and maintain a side-track to and for the use and accommodation of any warehouse near the station. And no person keeping a warehouse or elevator shall in any case be compelled to pay the railroad company, or any person keeping any other warehouse or elevator, any sum or compensation for or on account of the privilege of doing business. (*Id.* § 2.)

***§ 9. Penalty for violating this act.** Any railroad company, or any keeper of any warehouse or elevator, or any person, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than one hundred nor more than five hundred dollars, in the discretion of the court. (*Id.* § 3.)

***§ 10. Common carriers to give grain receipts—to deliver quantity receipted for.** That all common carriers doing business within this state engaged in the transportation of grain, shall, when requested, give a receipt for the number of bushels or pounds of grain delivered to them for transportation, and shall deliver the number of bushels or pounds so receipted for to the consignee thereof, or to the line or lines or common carrier with which they may connect, or to which they may deliver the same to be forwarded to the point of destination, less the usual loss from transportation, not exceeding forty-five pounds to each car. (1875, c. 88, § 1.)†

***§ 11. Penalty for violation of preceding section,** That any such common carrier, or the agent of such common carrier, who shall refuse to give a receipt as herein provided for, shall pay a fine of not more than fifty dollars, nor less than ten dollars, for each and every violation of this act, to be recovered before any justice of the peace; and any such common carrier refusing or neglecting to deliver the amount of grain so receipted for to the consignee thereof, or to the common carrier to which such grain may be delivered to be carried to the point of destination, shall, in addition to the civil liability of such common carrier for all loss or shrinkage, except as above provided, be subject to a pen-

*"An act for the regulation of grain elevators and warehouses." Approved March 9, 1874.

†"An act for the protection of exporters of grain from this state." Approved March 4, 1875.

alty of not less than fifty dollars, nor more than one hundred dollars, for each and every such refusal or neglect, to be recovered before any justice of the peace. (1875, c. 88, § 2.)

*§ 12. **Prosecutions—how conducted.** All prosecutions under the provisions of this act shall be carried on in the name of the state, and be prosecuted under the direction of the attorney general. (*Id.* § 3.)

*§ 13. **Grain delivered for storage to be a bailment thereof.** That whenever any grain shall be delivered for storage to any person, association or corporation, such delivery shall in all things be deemed and treated as a bailment, and not as a sale, of the property so delivered, notwithstanding such grain may be mingled by such bailee with the grain of other persons, and notwithstanding such grain may be shipped or removed from the warehouse, elevator, or other place where the same was stored. And in no case shall the grain so stored, and which such bailee may hereafter be required to keep on hand, be liable to seizure upon any process of any court in an action against such bailee. (1876, c. 86, § 1.)*

*§ 14. **Receipt to be given—contents—penalty for giving false receipt.** Whenever any grain shall be deposited in any warehouse, elevator, or other depository, for storage, the bailee thereof shall issue and deliver to the person so storing the same, a receipt or other written instrument, which shall, in clear terms, state the amount, kind and grade of the grain stored, the terms of storage, and if advances are made, the words "advance made;" which receipt shall be *prima facie* evidence that the holder thereof has in store with the party issuing such receipt, the amount of grain of the kind and grade mentioned in such receipt; and any warehouseman, proprietor of an elevator, or bailee, who shall issue any receipt or other written instrument for any grain received for storage, which shall be false in any of its statements, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by fine not exceeding three hundred dollars, or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. (*Id.* § 2.)

*§ 15. **Full quantity and grade to be redelivered—penalty for failure.** It shall be the duty of every person, association or corporation receiving any grain for storage, upon the demand of the bailee, or his assigns or representatives, and tender of all charges for storage and money advanced by the bailee, and upon the faith and credit of such bailment, and offer to surrender and receipt or other written instrument evidencing the receipt of such grain for storage, to deliver to the person entitled thereto a quantity of grain equal in amount and of the kind and grade delivered to such bailee. Every person and every member of any association or corporation who shall, after demand, tender and offer, as provided in section three of this act, wilfully neglect or refuse to deliver to the person making such demand, the full amount of grain of the kind and grade which such person is entitled to demand of such bailee, shall be deemed guilty of larceny, and shall be punished by fine or imprisonment, or both, as is prescribed by law for the punishment of larceny. (*Id.* § 3.)

*§ 16. **Same—action for failure to redeliver, how commenced and prosecuted.** Whenever, upon any demand, tender or offer, as provided in section three of this act, any such bailee shall neglect or refuse to deliver any grain received for storage, or a quantity of grain equal in amount and of the same kind and grade as received, any such bailor, or his assigns or representative, may commence in any court having jurisdiction thereof, an action against such bailee, to recover possession of a quantity of grain equal in amount and of the same kind and grade as that delivered to such bailee, and in every action it shall be the duty of the sheriff or other proper officer to take into his possession, from the warehouse of such bailee, or other place where he may have the same, a quantity of grain equal in amount and of the same grade as that specified in the affidavit made or writ

*"An act to regulate the storage of grain." Approved March 3, 1876.

issued in such action. Such action shall be commenced and prosecuted, if in district court, in the manner provided in actions for the claim and delivery of personal property; and if in justice courts, in the manner provided in actions for replevin. (1876, c. 86, §4.)

*§ 17. Warehouse receipts, etc., negotiable, and endorsee to be owner of property,—exceptions. Warehouse receipts, given for any goods, wares and merchandise, grain, flour, produce or other commodity, stored or deposited with any warehouseman, or other person or corporation in this state, or bills of lading, or receipt for the same, when in transit by cars or vessels to any such warehouseman, or other person, shall be negotiable, and may be transferred by endorsement and delivery of such receipt or bill of lading; and any person to whom the said receipt, or bill of lading, may be transferred, shall be deemed and taken to be the owner of the goods, wares or merchandise therein specified, so as to give security and validity to any lien created on the same, subject to the payment of freight and charges thereon: *provided*, that all warehouse receipts, or bills of lading, which shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this act. (*Id.* § 5.)

*§ 18. No grain re-delivered, etc., without authority of owner and return of receipts. No person receiving or holding grain in store, shall sell or otherwise dispose of, or deliver out of the storehouse or warehouse where such grain is held or stored, the same, or any part thereof, without the express authority of the owner of such grain and the return of the receipt given for the same, except as herein provided. (*Id.* § 6.)

*§ 19. Different grades of grain not to be mixed, etc. It shall be unlawful for any warehouseman, or owner or keeper of any elevator, or any agent of either, to mix together any grain of different grades, so received in store, or to select different qualities thereof of the same grade for the purpose of storing or delivering the same, or attempt to deliver grain of one grade for another, or in any way to tamper with any grain of other persons while in his possession or custody, with a view to securing any profit to himself, or any one, without the consent of the owner. (*Id.* § 7.)

*§ 20. Penalties. Any warehouseman or other person violating any of the provisions of section six or section seven of this act, shall be deemed guilty of a felony, and upon conviction shall be fined in a sum of not over one thousand dollars, or imprisonment in the state prison of this state not exceeding five years, or both. (*Id.* § 8.)

INN AND HOTEL-KEEPERS.

§ 21. Hotel-keepers, etc. to keep safe—to post notices and furnish locks for doors. That hereafter every landlord or keeper of a public inn or hotel, or boarding house keeper, in this state, who shall constantly have in his inn or hotel an iron safe in good and suitable order for the safe custody of money, jewelry or other valuable articles belonging to his guests or customers, shall keep posted conspicuously at the office, also on the inside of every entrance door of every public sleeping, reading, bar, sitting and parlor room of such hotel, &c., notice to the guests and customers that they must leave their money, jewelry, and other valuables with the landlord, his agent or clerk, for safe keeping, and he or they may make safe deposits of the same in the place provided for that purpose. Every landlord or keeper of a public inn or hotel shall provide locks and bolts for all room doors. (1874, c. 52, § 1.)

*§ 22. Not liable for loss of goods, when—exception. That such landlord, hotel or inn keeper as shall comply with the requirements of the first section of this act, shall not be liable for any money, jewelry or other valuables of gold, silver, or rare and precious stones, that may be lost, if the same is not delivered to said landlord, hotel or inn keeper, his agent or clerk, for deposit, unless such loss

*"An act concerning inn and hotel keepers and landlords, and for the protection of their guests." Approved March 5, 1874.

shall occur by the hand, or through the negligence, of the landlord, or by a clerk or a servant employed by him in such hotel, inn, &c.: *provided* however, that nothing herein contained shall apply to such amount of money and valuables as a prudent person would retain in his room or about his person for present use. (1874, c. 52, § 2.)

*§ 23. **Guests defrauding hotel-keepers, etc.—penalty.** Any person who shall put up at any hotel, inn or boarding house, and shall procure any food, entertainment or accommodation without paying therefor, except their credit is given by express agreement, with intent to cheat or defraud the owner or keeper of such hotel, etc. out of pay for the same, or if any person shall obtain credit at any hotel, inn, &c., for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto, or who shall, with such intent, remove, or cause to be removed, any baggage or effects from any hotel, inn or boarding house while there is a lien existing thereon for the proper charges due from him for board and entertainment furnished as aforesaid, shall be punished by a fine not exceeding one hundred dollars, or imprisoned in a county jail not exceeding three months. (*Id.* § 3, as amended 1875, c. 111, § 1.)

*§ 24. **Embezzlement by hotel-keepers.** Every landlord or keeper of a public hotel or inn shall be liable for embezzlement for not promptly returning money and valuables deposited in his safe. (*Id.* § 4.)

*§ 25. **Goods taken for board bill may be sold, when and how.** All goods or property taken by any hotel, inn or boarding house keeper, and by him held for non-payment of any bill for board, lodging or accommodation, may be sold after the expiration of ninety days and default being made in the payment of such bill, upon a notice of ten days, at public auction, upon notice as in cases of constable's sales. (*Id.* § 5.)

ADOPTION OF CHILDREN.

*§ 26. **Petition for adoption.** Any inhabitant of this state may petition the district court, in the county of his residence, for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition, by a person having a husband or wife, shall not be granted unless the husband or wife joins therein. (1876, c. 91, § 1.)*

*§ 27. **Consent of parents, guardian, etc., to be had.** No such adoption shall be permitted without the consent of such of the parents of the child as may be living, unless it shall appear to the court that either of the parents has abandoned the child, or gone to parts unknown, when such consent may be given by the parent, if any, having the charge and care of the child. In case neither of the parents is living, or if both parents, or the only living parent, shall have abandoned the child, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may be given by any of the next of kin of such child residing in this state, and if there be no next of kin residing in this state, or if such next of kin be unknown, such consent may be given by the chairman of the board of county commissioners of the county where the petition is made. In case of a child not born in lawful wedlock, such consent may be given by the mother alone, if she is living and has not abandoned such child. (*Id.* § 2.)

*§ 28. **When child must consent.** If the child is of the age of fourteen years or upward, the adoption shall not be made without his consent. (*Id.* § 3.)

*§ 29. **Notice of hearing of petition—publication.** If such child has no parent living, or has been abandoned by its parents, and has no guardian nor next of kin in this state, or if his next of kin, if any, are unknown, the court shall, before hearing the petition, order notice of such hearing and of the time and place thereof, as fixed by the court, to be given by publication thereof in some news-

*"An act providing for the adoption of children" Approved February 26, 1876.

paper of general circulation, published in the county where such petition is presented, at least once in each week for three successive weeks, the last publication to be at least ten days before the time fixed for the hearing. If there be no newspaper published in such county, then the notice may be published, as aforesaid, in some newspaper published at the capital of the state. (1876, c. 91, § 4.)

*§ 30. **Proceedings on hearing—decree.** If upon the hearing of the petition so presented and consented unto as aforesaid, the court shall be satisfied of the identity and relations of the persons concerned, and that the petitioner is, or in case of husband and wife, that the petitioners are, of sufficient ability to bring up the child, and to furnish him suitable nurture and education, and that it is fit and proper that the petition for leave to adopt such child be granted, a decree shall be made setting forth the facts, and ordering that from and after the date of the decree the child shall be deemed and taken to be the child of the petitioner or petitioners, and the court may, if desired, in and by the same decree, change the name of such child. (*Id.* § 5.)

*§ 31. **Status of adopted child.** A child so adopted as aforesaid shall be deemed, as respects all legal consequences and incidents of the natural relation of parent and child, the child of such parent or parents by adoption, the same as if he had been born to them in lawful wedlock; except that such adoption shall not, in itself, constitute such child the heir of such parent or parents by adoption. (*Id.* § 6.)

*§ 32. **Effect of decree.** The natural parents of such child shall be deprived by the decree aforesaid of all legal rights respecting the child, and such child shall be free from all obligations of maintenance and obedience respecting his natural parents. (*Id.* § 7.)

CHANGE OF NAMES OF PERSONS.

*§ 33. **District courts to have exclusive right to change names.** The several district courts of this state shall hereafter have the exclusive right to change the name of any person, and to make such person the heir-at-law of any person, whose heir-at-law such applicant applied to be made, when applied to for those or either of those purposes, as hereinafter provided. (1872, c. 35,* § 1, as amended 1873, c. 71, § 1.)

*§ 34. **Applicant how to proceed—witnesses.** Any person who shall have resided in any judicial district in this state for a period of not less than one year, may make application to the district court of such district to have his or her name changed. Such person shall appear personally before such court, (and in case of an infant, by such infant's guardian, adoptive parent, or next of kin,) with two witnesses and prove to the satisfaction of the court, that such person is the identical person he or she represents him or herself to be; and in case such applicant shall apply to be made the heir at law of any person, then such person whose heir at law such applicant applies to be made, shall appear as one of the witnesses and acknowledge that such application is made in good faith. (1872, c. 35, § 2.)

*§ 35. **Application granted, when—certificate.** If it shall appear to such court that such change of name is necessary and proper, the said court shall proceed to grant said application, and the clerk of said court shall enter a memorandum thereof on the record of said court, and also issue a certificate to the applicant, certifying to the fact; for which entry and certificate the clerk shall receive a fee of two dollars, to be paid by the person making the application. Such certificate shall be *prima facie* evidence of such change of name. (*Id.* § 3.)

*"An act to authorize the several district courts of this state to change the name of person or persons." Approved February, 29, 1872.

SUBJECTS FOR DISSECTION.

* § 36. What corpses may be delivered by the public authorities for dissection, and to whom. It shall be lawful in cities and counties whose population equals or exceeds ten thousands inhabitants, for superintendents of penitentiaries, wardens of poor houses, coroners and city undertakers, to deliver to the physicians, professors and teachers in medical colleges and schools, in the state, and for physicians, professors and teachers to receive, the remains or body of any deceased person, for the purpose of medical and surgical study: *provided*, that said remains shall not have been regularly interred, and shall not have been desired for interment by any relative or friend of said deceased, within twenty-four hours after death: *provided* also, that the remains of no person who may be known to have relatives or friends shall be so delivered or received without the consent of said relatives or friends: *and provided*, that the remains of no person detained for debt, or as a witness, or on a suspicion of crime, or of any traveler, or of any person who shall have expressed a desire in his or her last sickness that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner: *and provided* also, that in the case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment. (1872, c. 22, § 1.)*

p. 112. * § 37. Remains after dissection to be buried—penalty for neglect. And it shall be the bounden duty of said physicians, professors or teachers, decently to bury, in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid; and for any neglect or violation of the provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than \$25.00 or more than \$50.00, to be sued by the health officers of said cities, or other places, for the benefit of their department. (*Id.* § 2.)

* § 38. Dissection to be within the state—penalty for violation. The remains and bodies of said persons as may be so received by the physicians, professors and teachers, as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose, or shall remove such remains beyond the limits of this state, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor and shall, on conviction, be imprisoned for a term not exceeding one year in the county jail, or pay a penalty not less than \$300.00 or more than \$1,000.00. (*Id.* § 3.)

* § 39. Penalty for violating section one of this act. Every person who shall deliver up the remains of any deceased person in violation of or contrary to any or all the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been delivered contrary to any of the provisions of said section, shall each and every one of them be deemed guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding two years in a county jail, or shall pay a penalty of not more than \$1,000.00. (*Id.* § 4.)

LICENSE TO SELL ONE'S OWN PRODUCTIONS.

* § 40. License on sale of home productions. Any manufacturer, mechanic or nurseryman, having a legal residence in this state, may sell his own work or production, except spirituous, vinous or malt liquor, manufactured or grown in this state, by paying to the proper authority of any village, town or city of this state, a sum not exceeding five dollars, any law or provisions of law organizing any such village, town or city to the contrary notwithstanding. (1877, c. 108, § 1.)

*“An act to promote the science of medicine and surgery in the state of Minnesota.” Approved February 27, 1872.

ADJUSTMENT OF DELINQUENT TAX ACCOUNTS.

*§ 41. *Whereas*, the books and accounts in the office of the state auditor show that large sums of money are due the state from the several counties therein, for and on account of unpaid state taxes levied and assessed in such counties for the year A. D. one thousand eight hundred and seventy-three and prior years; *and whereas*, a portion of such apparent indebtedness is disputed by certain of such counties; *and whereas*, the interests of the state require that the true amount of all such indebtedness should be ascertained, adjusted and paid; therefore,

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

County auditors to attend at state auditor's office—exception. It shall be the duty of each and every county auditor in this state, on or before the first Monday in September, in the year A. D. one thousand eight hundred and seventy-seven, to attend at the office of the state auditor, and then and there, with said state auditor, ascertain and adjust the amount due the state of Minnesota from the county represented by such auditor, for and on account of the indebtedness mentioned in the preamble of this act: *provided*, that if such amount can, on or before the first day of August, A. D. one thousand eight hundred and seventy-seven, be ascertained by such state and county auditors, without the presence of such county auditor at the office of the state auditor, then and in that case such county auditor shall not be required to attend at the office of the state auditor. (1877, c. 82, § 1.)*

*§ 42. Balance due state to be put in county tax levy. When the amount of such indebtedness is so ascertained and adjusted, the state auditor shall deduct from the amount so ascertained twenty-five per centum thereof; the balance remaining after such deduction shall be deemed the true amount due the state from such county, for and on account of such indebtedness aforesaid. In each of the years A. D. one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, the state auditor shall levy and assess upon, and certify to the county auditor of such county, a tax upon the taxable property of such county sufficient in each of said years to pay one-half of the amount of such indebtedness. (*Id.* § 2.)

*§ 43. Disputes to be referred to attorney general. Should any dispute arise between the state auditor and any county auditor, in reference to any item or items of such apparent indebtedness, all matters so disputed shall be referred to the attorney general of this state for determination, and his decision in the premises shall be final. (*Id.* § 3.)

*§ 44. Penalty for failure of county auditor to attend—compensation for attendance. Any county auditor who shall fail or neglect to comply with the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, nor more than ninety days, or by both such fine and imprisonment. And any county auditor so attending shall be entitled to the sum of three dollars per day and actual traveling expenses, which amount shall be audited by the board of county commissioners, and paid out of the county treasury. (*Id.* § 4.)

SALE OF LIQUOR NEAR HAMLIN UNIVERSITY.

*§ 45. Liquor not to be sold within one-half mile. It shall be unlawful for any person to sell or dispose of any spirituous, wines or malt liquors, within a distance of half a mile from the buildings of the University now located upon the southwest quarter of the southwest quarter of section twenty-seven, town twenty-

*"An act to provide for the adjustment and payment of delinquent state taxes." Approved February 26, 1877.

nine, range twenty-three, in the county of Ramsey, and state of Minnesota. (*Sp. Laws 1876, c. 225, § 15.*)

*§ 46. **Penalty for violation.** Any person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty dollars, nor more than fifty dollars, for every such offence, or shall be imprisoned in the county jail of the county of Ramsey for a period of not less than one month, nor more than six months. (*Id. § 16.*)

FLAGS OF MINNESOTA REGIMENTS.

*§ 47. **Case for flags.** The governor of this state is hereby authorized to procure a suitable case of glass and wood, in which to keep the flags carried by Minnesota troops during the late war. (*1866, c. 57, § 1.*)

*§ 48. **Same—to be kept at capitol.** Said case shall be kept in one of the main halls of the capitol. (*Id. § 2.*)

DRAINING OF WET LANDS.

*§ 49. **Application to open drain through another's land—how made—not to injure mills, etc.** That any person owning or possessing any swamp, marsh or wet lands, who shall desire to drain the same, and when he shall deem it necessary, in order thereto, that a ditch or ditches should be opened through lands belonging to other persons, in case the owners of such lands shall refuse to permit the opening of such ditch or ditches through the same, or if the parties cannot agree upon the terms thereof, he may make application in writing to the township supervisors of the township where such marsh, swamp or wet lands shall be situated, to inquire and determine whether such marsh, swamp or wet lands are a source of disease to the inhabitants, and whether the public health would be promoted by draining the same, and to inquire and determine whether such ditch or drain is necessary for the proper cultivation of the same, and whether the permanent assessed value of said lands will be increased by such drain; said application shall be filed with the township clerk: *provided*, however, that no wet land, marsh or swamp shall be in any way drained so as to lessen or diminish the supply or quantity of water from said wet land, marsh or swamp, used in running or operating any mill or mills whatever, nor shall any such wet land, marsh or swamp be drained so as to injure or damage any mill or mills now erected and run or operated in whole or in part by the use of water from such wet land, marsh or swamp. (*1877, c. 91, § 1, * as amended 1878 c. 39, § 1.*)

*§ 50. **Contents of application—notice to owners, how served.** Such application shall state through whose premises, if known, it is necessary for such ditch or ditches to pass, and shall also describe said lands. Ten days notice shall be served upon the owners of said lands, in like manner as notices are required to be served in commencement of actions before justices of the peace, and said notice shall state at what time said application will be filed; and in case the owner of any of said land shall be unknown to the applicant, or a non-resident of the county or state, then three written notices shall be posted for ten days in three public places in the neighborhood of said land, and in the township in which it is situated. (*Id. § 2.*)

*§ 51. **Hearing of application—notice thereof, how given—assessments of damages, etc.** Upon the filing of said application, the supervisors shall agree upon a time when they will hear and determine upon said application, and also shall agree upon the place of meeting, which shall be at or near the premises described in said application. They shall give ten days notice of such time and place of meeting to all persons interested, by posting up three written notices thereof in three public places in said township; and upon the day set apart for hearing said application, said supervisors, or a majority of them, shall have power to hear and determine the matters contained in said application; or such super-

"An act to provide for the draining of wet lands, marshes and swamps." Approved March 3, 1877

visors may adjourn the hearing thereof not more than ten days; and upon a final hearing said supervisors, or a majority of them, shall personally examine all lands liable to be affected by said work, make out a list of the same, and shall assess the amounts of benefits or injury to each tract of land, and shall make out a schedule thereof, with their assessments aforesaid, and shall append thereto their affidavit that the same is in all respects a true assessment, to the best of their judgment and belief, and cause the same to be filed in the office of the register of deeds of the county in which the land is situated; and from which filing said assessment shall be a lien upon said several tracts respectively. (1877, c. 91, § 3.)

*§ 52. **Decision of supervisors—contents, filing, etc.** Said supervisors shall determine whether it is necessary to pass through any of said lands, and if they find it necessary, they shall also determine the direction in which the said drain shall run, and the depth and width thereof as near as may be, and shall reduce their decision to writing, and file the same with the town clerk, together with a correct plat and specifications of said drain; and said supervisors may employ the county surveyor to make such plat and specifications, who shall be paid in the same manner as other costs and expenses of this proceeding. (*Id.* § 4.)

*§ 53. **Construction of ditch—damages.** The person or persons making the application for the drain, may, under the order of supervisors, enter upon the premises through which said drain is located and construct the same in accordance with said specifications, upon the payment of the damages assessed, if any, as hereinafter provided. (*Id.* § 5.)

*§ 54. **Not to be constructed until damages are paid.** If the supervisors shall be of the opinion that the drain will be a damage to the lands through which it is to pass, then they shall assess the amount of damages to be paid to the owner thereof, and, after payment of the amount so assessed, the person or persons making the application may enter upon said lands and construct the same: *provided*, the owner be a resident of the county, or have an agent in the county known to the applicant; and if no damages be assessed, then the applicant shall have full power to enter upon the land through which said drain passes, with the necessary implements to accomplish said work. (*Id.* § 6.)

*§ 55. **Benefits to be paid to applicant—if not paid, to be a lien on the lands—proceedings to establish lien.** If the supervisors shall be of the opinion that the drain will be of benefit to the lands through which it is to pass, then they shall assess the amount of benefit to the owner of said lands, in money value, and when said work is completed according to specifications, it shall be lawful for said applicant to demand of and receive from the owners of said lands, or any one of them, the amount of benefits so assessed against his said lands; and if the same shall not be paid within ten days after demand, the supervisors shall, on request of the applicant, make out a list of the lands so benefited, and a schedule of the assessments made against said lands, and shall append thereto their affidavits that the same is in all respects a true assessment, to the best of their judgment and belief, and cause the same to be filed in the office of the register of deeds of the county in which the land is situated, and from which filing said assessment shall be a lien upon said several tracts respectively, with interest at the rate of ten per cent, per annum until paid, and said lands shall not be transferable until such demands are satisfied: *provided*, that if the owner of the land so assessed is a non-resident of the county, or if he is reported unknown on the last official tax list, the applicant shall insert a copy of the list of lands, describing them, and a schedule of assessments of the same, with the affidavits of the supervisors, once in a weekly paper, published in the county where said lands is situated, if there be any, and if no paper is published in said county, then the same shall be published in a weekly paper in a next adjoining county, nearest to said drained premises. (*Id.* § 7.)

*§ 56. **Appeal from decision of supervisors—bond.** Either party feeling aggrieved by the

decision of the supervisors in the assessment of damages, may appeal to the district court of the county in which the land is situated, and the said court may hear and determine in all matters relating to said assessments; but so much of the decision of the supervisors as relates to the location, width, and depth of said ditch or ditches, shall be final; an appeal bond shall be required as in cases of appeal from justices of the peace, and the same shall be filed with the township clerk, who shall approve it, and immediately thereafter shall certify all the original papers to the clerk of the said district court. (1877, c. 91, § 8.)

*§ 57. **Repair of drain, how made.** After said drain is completed, it shall be kept in repair under the direction of the supervisors, if the parties can not agree between themselves, and when applied to in writing by any person owning land through which such drain shall run, said supervisors shall examine the same, and may make such orders in regard to the repair thereof and cleansing the same, as they may deem just and equitable, giving the owner of the land reasonable time to make or cause to be made such repairs himself, and if, after the expiration of said time, the work is not done, the supervisors may hire or contract with some other person or persons to do said work, to be assessed and paid according to section seven and thirteen of this act. (*Id.* § 9.)

*§ 58. **New ditches connecting with drains previously constructed, how made—damages.** Whenever any person or persons may desire to drain his or their lands by the construction of a new ditch connecting with a drain previously constructed upon the lands of any other person or persons, he or they shall be entitled to the benefit of the provisions of this act, by the supervisors estimating the benefits that would accrue to, or the damages likely to be sustained by, the person or persons through whose lands the same may pass in order to communicate with such old ditch, drain or outlet, and proceedings in such cases shall in all respects be similar to those in this act hereinbefore mentioned: *provided*, however, that if the volume of water discharged by such new ditch or drain is too great for the old ditch to carry off without causing an overflow of adjoining lands, it shall be the duty of the person or persons constructing such new ditch or drain, to widen, deepen and enlarge the capacity of the old ditch, so as to make it of sufficient size for the flow of such increased volume of water at the ordinary stages thereof; and in case of failure or refusal to do so, for the space of thirty days after the completion of such new ditch, he or they shall be liable from time to time to the owners of land along the line of said old ditch for all damages he or they may sustain in consequence thereof, with ten per cent. thereon, and costs of action, to be recovered by suit in courts having jurisdiction in the county where said ditch or ditches are situated. (*Id.* § 10.)

*§ 59. **Bridges where drains cross highways.** If any drain constructed under this act shall cross a highway, excepting railroads, it shall be bridged at the expense of the applicant or applicants; said bridging to be done in the manner prescribed by the board of town supervisors of said town. (*Id.* § 11.)

*§ 60. **Penalty for obstructing drains—damages may be recovered.** Any person or persons who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be guilty of a misdemeanor, and upon conviction thereof, be liable to a fine of not less than ten nor more than one hundred dollars, or imprisonment in the county jail for not less than ten nor more than thirty days; and any person or persons so obstructing, or in any manner injuring any ditch or ditches constructed under this act, or existing previously, shall be further liable to the person or persons owning or possessing the swamp, marsh, or wet lands, for the draining of which such ditch or ditches shall have been opened, in double the amount of damages that shall be awarded in any competent court; and in case of a second, or other subsequent offence, by the same person, treble such damages. (*Id.* § 12.)

*§ 61. Compensation of supervisors, clerks, etc.—costs. Township supervisors shall receive for their duties under this act one dollar and fifty cents per day, and the town clerk shall receive for filing each application the sum of twenty-five cents. The surveyor, when employed, shall receive the fees prescribed by law for like duties performed by him. The register of deeds shall receive the usual filing fee for all papers filed in his office under this act. The supervisors shall assess the entire costs of all proceedings under this act, proportionately upon the person or persons benefited in each instance, and shall make the same a part of their schedule, as provided for in section three of this act; but said supervisors may, at their discretion, require the cost to be paid in advance by the party making the application. (1877, c. 91, § 13.)

*§ 62. Clerk to file copy of papers. The town clerk shall, upon the completion of any ditch in his town, constructed under this act, or upon the repairing of any where the services of the supervisors are required, make and file with the register of deeds of his county, a copy of all papers appertaining to each individual ditch; provision for the lawful fees for same shall be made by the supervisors in their assessment for costs. (*Id.* § 14.)

*§ 63. Ditches, etc., for furnishing water power. Any person desiring to construct ditches or canals from any lake, for the purpose of creating or increasing any water power, may do so under this act, and shall be governed by its provisions. (1866, c. 27, § 14.)

CULTIVATION OF TIMBER AND HEDGES.

§ 64. Annual appropriation to encourage growing of timber, etc. That for the purpose of encouraging the growing or cultivation of timber and live hedge fences in this state, there shall be annually appropriated, out of any moneys in the treasury belonging to the general revenue fund, not otherwise appropriated, the sum of three hundred dollars. (1867, c. 32, § 1.)

*§ 65. Same—at disposal of state agricultural society. That the said sum is hereby placed at the disposal of the state agricultural society of this state, for the payment of premiums for the best five acres of cultivated timber, or continuous half mile of live hedge fence, or a less amount if deemed necessary; *provided*, that the said society shall make such classifications and regulations as may be deemed most expedient to encourage the largest competition, and all awards of premiums made under this act shall be impartial. (*Id.* § 2.)

*§ 66. To apply to timber subsequently grown—one first class premium only allowed. That the provisions of this act shall apply only to timber or groves and hedges, propagated from seeds, cuttings, or layers subsequent to the passage of this act; and no person shall be entitled to more than one first class premium on the same piece of timber or hedge. (*Id.* § 3.)

*§ 67. Entrance fee for competitors—competition to be encouraged. That the said society shall fix the rate of entrance fee of those wishing to compete for premiums under this act at a reasonable amount; and in order to encourage competition, said society may appoint person or persons, in each county, whose duty it shall be to visit the premises of persons competing for premiums in such county, and make out an accurate report of the condition, mode of cultivation and propagation of the timber or hedge growing on the said premises, which report shall be made in accordance with instructions from said society, and shall be attested under oath or affirmation. (*Id.* § 4.)

*§ 68. Society to keep account of premiums and report same to governor. That said society shall cause an accurate account to be kept of all sums paid as premiums in accordance with this act, together with a list of persons competing for premiums, and to whom such premiums were paid, with the amount thereof, and shall annually, on or before the first Monday in February, make a true report of the same to the governor of the state; which report, together

* "An act to encourage the cultivation of timber and hedge fence, and to appropriate money therefor." Approved March 7, 1867.

with a certificate of the correctness thereof, shall be signed by the president and secretary of said society. (1867, c. 32, § 5.)

*§ 69. **Fences in streets to protect hedges.** That any person who may plant a close hedge upon his property, along the line of any road or street, which is not less than sixty feet wide, shall have the right to build and maintain a temporary fence along the side of such road or street, six feet or less from the line thereof, for the period of five years from the time of planting such hedge, for the purpose only of protecting the growing of such hedge. (1867, c. 34, § 1.)

*§ 70. **Bounty for tree planting.** That every person planting one acre or more of prairie land, within five years after the passage of this act, with any kind of forest trees, except black locust, and successfully growing and cultivating the same for three years, and every person planting, protecting and cultivating, for three years, one-half mile or more of forest trees, along any public highway, said trees to be planted so as to stand not more than one rod apart at the end of three years, and when planted on each side of any highway, such trees shall not be planted within the four rod limit of such highway, shall be entitled to receive, for ten years thereafter, an annual bounty of two dollars for each acre, and two dollars for each half mile, so planted and cultivated, to be paid out of the state treasury; but such bounty shall not be paid any longer than such grove or line of trees is maintained and kept in a growing condition. (1873, c. 19, § 1.)*

*§ 71. **Proceedings to obtain bounty—railroad snow fences excepted.** Any person wishing to secure the benefit of this act, shall within three years after planting such grove, or line of trees, and annually thereafter, file with the county auditor of the county in which the same is located, a correct plat of the land, describing the section, or fraction thereof, on which such grove, or line of trees, has been planted or cultivated, and shall make due proof of such planting and cultivation, as well as of the title to the land, by the oath of the owner and the affidavit of two householders residing in the vicinity, setting forth the facts in relation to the growth and cultivation of the grove, or line of trees, for which such bounty is demanded. The several county auditors shall annually, on or before the first day of August, forward to the state auditor a certified list of all the lands and tree planting reported and verified to them in compliance with this act, with the names and post office address of the respective owners thereof: *providing*, this act shall not apply to any railroad company for planting of trees within two hundred feet of its track for the purpose of snow fence. (Id. § 2.)

*§ 72. **State auditor to issue warrants for bounty—limitation of aggregate amount.** If the state auditor shall find that the provisions of this act have been duly complied with, he shall issue to the several applicants entitled thereto his warrant upon the state treasurer for the bounty named in the first section, on or before the first Monday of October in each year: *provided*, that if the aggregate of the bounty so applied for shall, in any one year, exceed twenty thousand dollars, it shall be the duty of the state auditor, on the first Monday of October, in such year, to equitably distribute twenty thousand dollars, and no greater sum, among the claimants who may be entitled to the aforesaid bounty, and his warrants for such *pro rata* shall relieve the state from further claims for such year. (Id. § 3.)

*§ 73. **Fencing streets adjoining vacant land to protect trees.** That for the purpose of promoting the planting and protection of shade trees in this state, whenever portions of any recorded city or village plat, or portions of any legal additions thereto, are wholly unoccupied, and the streets and alleys lying wholly within or legally belonging and adjoining to such unoccupied parts are not used for public travel, it shall be lawful for the owner or owners thereof, for the pur-

*"An act to encourage the planting and growing of timber and shade trees." Approved February 20, 1873.

pose of protecting such shade trees as may be set out therein, to fence up and enclose the same for the period of five years from and after the passage of this act, the same as if such land had not been platted and recorded: *provided*, however, that prior to such fencing of said land embracing streets, the consent of the proper city or village authorities shall be first had and obtained. (1877, c. 132, § 1.)

BOUNTIES FOR KILLING WOLVES.

*§ 74. **Amount of bounty—applicant to make proof.** Any person who shall kill any wolf in this state shall be entitled to receive a bounty of three dollars; and any person claiming such bounty shall produce the head of the wolf so killed, with the ears and scalp thereto entire, within twenty days after such wolf has been killed, to the county auditor of the county in which said wolf was killed, and shall make oath or affirmation in writing before such auditor that the wolf whose head is produced was killed within such county within twenty days last past. (1876, c. 94, § 1.)*

*§ 75. **Auditor to issue orders on treasury, when.** The county auditor before whom such oath or affirmation is made, after causing such head to be destroyed in his presence, shall then grant an order to the person making the affidavit, for the amount due him, on the treasury of the state, taking a receipt for the same on the back of said affidavit, which said county auditor shall keep on file in his office; which said order shall be received in payment of state tax. (*Id.* § 2.)

*§ 76. **Amount of order, etc., to be entered.** The county auditor shall enter in a book for that purpose, the date and amount of such order, with the number thereof and to whom issued, and shall annually, on the fifteenth day of November, make a certified copy of such entries, and transmit the same to the auditor of state. (*Id.* § 3.)

*§ 77. **Redeemed orders to be preserved, etc.** It shall be the duty of the state treasurer, on receipt of any such bounty orders in payment of state taxes, to enter on the face of the same the word "redeemed," and the date of redemption; and the auditor of state, on receiving any such redeemed order, to preserve the same, and at least once in each year to compare the same with the exhibit thereof furnished him by the county auditors of the proper county, as hereinbefore required. (*Id.* § 4.) See *123 et seq.

BOUNTIES FOR KILLING GOPHERS.

*§ 78. **Bounty may be offered—payment.** That the commissioners of any county of this state may offer a bounty for the destruction of the pocket gopher, and they shall have power to provide such rules and regulations for the payment of such bounty as they may deem necessary. (1877, c. 125, § 1.)

EXEMPTIONS OF DISABLED SOLDIERS.

*§ 79. **Discharged soldiers, etc. to receive order from county commissioners which may be used in paying taxes.** It shall be the duty of the county commissioners of any county, or the city council of any city, and of the board of supervisors of any town, in the state of Minnesota, in which any tax has been levied for the purpose of paying bounties to volunteers, upon the property of any person who being a citizen of Minnesota on or before the first day of January, A. D. eighteen hundred and sixty-four entered the military service of the United States, and who has been honorably discharged or resigned, or still remains in said service, or against the property of the wife, widow or minor children of any such person: it shall be the duty of said authorities upon due proof of the facts above set forth, to issue and deliver to any such person, or their authorized agents, an order upon the treasurer of such county, city, or town—wherein such tax or taxes were levied, for the purpose of paying bounties to soldiers in such county, city or town—specifying in such order the amount of taxes, all

*"An act providing for a state bounty for the destruction of wolves." Approved February 15, 1876.

*§ 74, 75, 76, 77. See 1881 Supp. t. n. 116

charges and interest included, to whom issued and delivered, and that it is in behalf of a person, or the wife or widow or minor child, or children, of such person who had entered the military service of the United States on or before the first day of January, eighteen hundred and sixty-four, and the treasurer upon whom such order is drawn, or his successor, shall receive the same in payment for any taxes due, or that may become due. (1866, c. 3, § 1,* as amended 1867, c. 49, § 1.)

*§ 80. **Authorities liable for neglect to issue order.** When the authorities of any county, city or town shall neglect or refuse to issue and deliver the said order, in accordance with the previous section, they shall be liable in an action at law to the parties aggrieved in a sum of twice the amount of his, her or their tax or taxes so levied. (1866, c. 3, § 2.)

*§ 81. **Benefits of two preceding sections, to whom to apply.** The benefits of this act shall apply only to persons, citizens of Minnesota at the time of their entry into the military service of the United States, and who shall have served at least one year, (unless sooner discharged by reason of wounds or disease or physical inability contracted while in the line of their duty as soldiers) previous to the first day of January, A. D. eighteen hundred and sixty-five, as officers or privates in any organization of United States troops, or their wives, widows, or minor children, and shall not apply to any person whose total bounties received from all sources equal the sum of three hundred dollars; and the said authorities issuing said orders are hereby authorized to levy sufficient taxes in any succeeding year or years to meet all deficiencies, if any, created by the operations of this act. (1866, c. 3, § 3, as amended 1867, c. 49, § 2.)

*§ 82. **Disabled soldiers exempt from poll-tax and jury duty.** That all discharged soldiers who served as volunteers in the war of eighteen hundred and sixty-one, citizens of and residing in the State of Minnesota, who were honorably discharged from such service, on account of wounds received while on duty in said service, having lost a limb, or being otherwise permanently disabled, shall be exempt from poll tax, and from sitting as jurors in any of the courts of this state. (1868, c. 85, § 1.)

SOLDIERS' BOUNTY BONDS.

*§ 83. **Old bounty bonds may be replaced by new ones.** That all town, village, city, and county authorities are hereby authorized and empowered to take up and cancel, by the issue of new bonds, any old matured and unpaid bonds which have been heretofore issued by such authorities for the purpose of raising the quota of volunteers in said town, village, city or county under the several calls of the president of the United States for the suppression of the late rebellion: *provided*, such new bonds shall not bear a greater interest than twelve per cent. per annum, and shall run for such period as may be agreed upon by said authorities and the holders of the bonds above referred to. (1868, c. 51, § 1.)

DESTRUCTION OF GRASSHOPPERS.

*§ 84. **Employment of persons to destroy grasshoppers—compensation.** The board of county commissioners of any county in this state afflicted by grasshoppers, shall have the right, if in their judgment they see fit, to employ one or more persons in each township in said county, with such implements or mechanical contrivance as may prove most efficient, to destroy the grasshoppers, from the first day of April to the first day of August in each year, paying such persons either by the day or a specified sum for the amount captured and destroyed. The compensation of such person shall be paid out of the general revenue fund of the county: *provided*, further, that parties employed and paid by the county commissioners shall not receive any other or further compensation under the provisions of this act. (1877, c. 86, § 14.)

*"An act to relieve certain soldiers from paying bounty tax." Approved February 28, 1866.

*§ 85. **Tax for money to destroy grasshoppers and eggs.** The boards of supervisors of any township, and the common council of any city, village, town or borough in the state of Minnesota, afflicted by grasshoppers, deeming it necessary and for the best interest of said township, city, village, town or borough, to levy a tax upon the taxable property of said township, city, village, town or borough, for the purpose of raising money to pay for the destruction of grasshoppers and their eggs, are hereby authorized to levy such tax; *provided* the legal voters of such township, city, village, town or borough, shall vote to levy the same at their annual town meetings. (1877, c. 111, § 1.)*

*§ 86. **Notice of voting for tax.** The said supervisors and common councils shall direct the town clerks, city recorder, village, town and borough clerks, to insert in the notice of the annual town meetings required by law to be given, a notice that a vote of the qualified electors of such township, city, village, town or borough will be taken at such town meeting to determine whether a tax shall be levied upon the taxable property of said township, city, village, town or borough for the purpose of the aforesaid; and the said town clerk, city recorder, village, town or borough clerk shall give such notice, and shall specify the amount to be raised for that purpose. (*Id.* § 2.)

*§ 87. **Amount of tax, etc., to be determined, how—ballots.** The qualified electors of such township, city, village, town or borough, assembled at the time and place so designated in said notice for holding such town meeting, shall, before the opening of the polls on that day, consider and determine whether the amount so specified to be raised, shall be levied for that purpose, and they shall have power to raise or lower the said amount; and after the amount to be raised shall have been settled and determined upon, the proposition to levy the said tax in the manner aforesaid shall be submitted to the legal voters of said township, city, village, town or borough, for their approval or rejection; and there shall be printed or written on the ballots to be used at such town meetings, the words, "For levying a tax for the destruction of grasshoppers," or "Against levying a tax for the destruction of grasshoppers." (*Id.* § 3.)

*§ 88. **Levy, when made—tax not to exceed five mills.** If a majority of the voters voting at such town meetings shall vote in favor of levying said tax, said supervisors and common council shall levy and assess the same according to law, in the manner provided for levying town taxes: *provided*, however, that said tax shall not exceed five mills on the dollar. (*Id.* § 4.)

*§ 89. **Tax, how collected and paid over.** In case a majority of the qualified voters of said township, city, village, town or borough, shall vote to levy such tax, the said supervisors and common council shall cause to be transmitted to the county auditors of the county, a statement of the tax so levied; and such tax shall be collected and the payment thereof enforced in like manner as state and county taxes, and collected and the payment thereof enforced; and the county treasurer shall pay such taxes over as fast as collected to the treasurer of such township, city, village, town and borough, to be by said treasurer received and kept for the purpose aforesaid. (*Id.* § 5.)

*§ 90. **Money, how to be expended—warrants.** All moneys raised under the provisions of this act, shall be expended for the purpose hereinbefore specified, (and for no other purpose), under and by the direction of the supervisors of said townships and the common council of said city, village, town or borough, and the same shall be paid out by said treasurer of said township, city, village, town or borough upon the warrant of said supervisors, or common council, duly signed and countersigned by the proper officers, as required by law in such cases. (*Id.* § 6.)

*§ 91. **Tax not levied, when.** If at any time after the said legal voters shall have voted

*"An act to authorize the supervisors of the several townships afflicted by grasshoppers to levy a tax for the payment of bounties for the destruction of grasshoppers and their eggs." Approved March 5, 1877.

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to levy such tax, and before the report thereof shall have been transmitted to the county auditor, the said supervisors or common council shall determine that it will not be necessary to levy such tax, they shall notify the said clerks of their determination, and the said report shall not be transmitted to said county auditors. (1877, c. 111, § 7.)

STATE LOAN TO FURNISH SEED FOR GRASSHOPPER-SUFFERERS.

*§ 92. **Authority to make loan—money to be expended, how.** That the governor, state auditor and state treasurer be and they are hereby authorized to borrow on the credit of the state at any time after the first day of March, A. D. one thousand eight hundred and seventy eight, the sum of one hundred thousand dollars, in such sums as the said board may deem for the best interests of the state, and at a rate not exceeding six per cent. per annum, payable semi-annually in either the city of New York or St. Paul; which money so borrowed shall be paid and reimbursed in not more than ten years from the date of the same; and the money so borrowed, shall be used for the purpose of purchasing seed grain, to comply with "an act to furnish and distribute seed grain to sufferers from grasshopper ravages" approved February thirteenth A. D. one thousand eight hundred and seventy-eight. (1878. c. 93, § 1.)* See post § 100.

*§ 93. **Additional loan to repay money borrowed in 1877.** Said board are hereby authorized to borrow on the credit of the state, at any time after the first day of July, A. D. one thousand eight hundred and seventy-eight, the further sum of one hundred thousand dollars upon the same terms and conditions as provided in section one of this act, and the money so borrowed, shall be used for the purpose of paying the sum of seventy-five thousand dollars and interest due thereon, borrowed by the state upon state auditor's warrants, for the purpose of complying with chapter one hundred and fifty-six of the general laws of one thousand eight hundred and seventy-seven, and the balance thereof shall be placed to the credit of the general revenue fund of the state. (*Id.* § 2.)

*§ 94. **Bonds to be given for money borrowed.** The loans mentioned in sections one and two of this act, shall be made upon state bonds, with coupons attached, signed by the governor and countersigned by the auditor of the state; which bonds shall specify the rate of interest, and the time when the principal and interest shall be paid, and each such bond so issued, shall not be for a less sum than one thousand dollars, and shall specify therein to whom the same shall be made payable. (*Id.* § 3.)

*§ 95. **Interest on bonds—where paid.** Whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the state treasurer upon presentation of the coupons at such place in either the city of New York or St. Paul, as the state treasurer shall designate. (*Id.* § 4.)

*§ 96. **Blank bonds to be procured.** The state treasurer is hereby authorized and required to obtain blank bonds, with a suitable device to prevent counterfeiting, and of such material as he may deem proper. (*Id.* § 5.)

*§ 97. **Pledge of state credit.** The credit of the state is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due. (*Id.* § 6.)

*§ 98. **Tax to pay principal and interest.** The state auditor is hereby authorized and required to levy an annual tax sufficient to raise the sum of twelve thousand dollars, or such sum as may be necessary to pay the annual interest on the said bonds; and also to levy an annual tax sufficient to raise the sum of twenty thousand dollars and for such time as may be necessary, not exceeding ten years, to be paid into the sinking fund for the payment of said bonds; and the proceeds of such taxes shall be applied to the payment of the interest and principal to said bonds and for no other purpose: *provided*, that all sums

*"An act to provide for the borrowing of money on the credit of the state for certain purposes." Approved March 7, 1878.

arising from taxes levied for the payment of seed grain as provided in an "act to furnish and distribute seed grain to sufferers from grasshopper ravages," approved February thirteenth, A. D. one thousand eight hundred seventy-eight shall be paid into the sinking fund, and as often as the accumulations in said fund amount to the sum of five thousand dollars, the same shall be applied to the payment of the interest and principal of said bonds. (1778, c. 93, § 7.)

*§ 99. Appropriation for purposes of act. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act. (*Id.* § 8.)

DISTRIBUTION OF SEED TO GRASSHOPPER SUFFERERS.

§ 100. Notice of meeting to applicants—application, what to state. It shall be the duty of the county auditor of each county wherein the crop of the year eighteen hundred and seventy-seven, was partially or wholly destroyed by grasshoppers, and before the fifteenth day of February, A. D. one thousand eight hundred and seventy-eight, to give notice to the respective town clerks in the different towns of said county, to post notices immediately in at least three of the most public places in each town, to all persons wishing to avail themselves of the benefits of this act, to meet at the town clerk's office in the town, or at the county auditor's office in the county, in which the applicant resides, and file with said town clerk or county auditor, on or before the first day of March, A. D. one thousand eight hundred and seventy-eight, an application duly subscribed and sworn to before the said town clerk or county auditor, which application shall be attested by at least two witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed and prepared for seeding, how many acres the applicant intends to have plowed and prepared for seeding before seeding time, how many bushels are necessary, and of what kind of grain, to seed the ground so prepared, or to be prepared as aforesaid, that said applicant's crop was in the year one thousand eight hundred and seventy-seven entirely destroyed by grasshoppers, or if only partially destroyed, how many bushels the applicant harvested in the year one thousand eight hundred and seventy-seven, of each kind of grain, or that the applicant was deterred from planting his or her ground in the year one thousand eight hundred and seventy-seven, on account of the deposit of grasshopper eggs, also what amount of seed grain and of what kind the applicant desires to borrow from the state, that the applicant has not procured, and is unable to procure, the necessary seed grain, also that the applicant desires the same for seed grain, and for no other purpose, and that the applicant will not sell or dispose of the same, nor any part thereof. Said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the government subdivision or subdivisions upon which the party intends to sow said seed grain. (1878, c. 94, § 1.)

*§ 101. Applications to be forwarded to county auditors. The town clerk of each town shall, on or before the first day of March, A. D. one thousand eight hundred and seventy-eight, forward said applications to the county auditor of the proper county, and said applications shall be filed in the said county auditor's office, and be open to public inspection; and no applicant shall be entitled to, or receive, any of the benefits of this act unless on or before the first day of March, A. D. one thousand eight hundred and seventy-eight the applicant shall have made and filed with the town clerk of the town, or the county auditor of the county, in which the applicant resides, the application as required, and in the manner and form mentioned, in section one of this act. (*Id.* § 2.)

*"An act to furnish and distribute seed grain to sufferers from grasshopper ravages." Approved February 12, 1878.

*§ 102. **County commissioners to examine applications—on approval to forward statement to governor.** The board of county commissioners of each county, so devastated by grasshoppers, shall be and are hereby constituted and appointed a board of examination and adjustment of the applications for seed grain, and it shall be the duty of said board to meet at the county auditor's office on the fifth day of March, A. D. one thousand eight hundred and seventy-eight, to examine and consider, separately, each application, as provided in section 1 of this act, and to decide who are entitled to the benefits herein mentioned, and the amount thereof, and said board shall on or before the seventh day of March, A. D. one thousand eight hundred and seventy-eight, forward to the governor, a statement, giving the number of applicants, the number of acres prepared or to be prepared, and number of bushels of each kind of seed grain needed in the county; and said statement shall contain only such applications as have been approved by said board, and shall be signed by the chairman of said board and certified to by the county auditor. (1878, c. 94, § 3.)

*§ 103. **Governor to purchase seed grain, when—distribution thereof.** The governor upon the receipt of the statements as provided in section three of this act, shall purchase seed grain, with the amount appropriated for such purpose, or such sum thereof as may be necessary to equal the amount of all said statements, and if the amount applied for shall exceed the appropriation for such purpose, then the seed grain shall be distributed *pro rata*, said distribution to be based upon the amount and number of applicants as contained in each statement. (*Id.* § 4.)

*§ 107a to 107z, incl. See 1881 Sup't, pp. 116, 117.

*§ 104. **Notice to county auditors of apportionment.** The governor shall then inform the county auditor in the different counties of the amount apportioned to each county, and the number of bushels of the different kinds of seed grain said county under said apportionment will be entitled to, and the cost of each kind of seed grain per bushel, and shall transmit the said seed grain to the board of county commissioners of each county, or shall authorize the purchase of the said seed grain in or near the counties where the seed grain is required, in his discretion. (*Id.* § 5.)

*§ 105. **Re-apportionment by commissioners.** Immediately upon receiving notice from the governor of the amount apportioned to each county, the board of county commissioners shall meet at the county auditor's office and readjust the applications for seed grain, and apportion the amount that has been allowed said county among the applicants as provided in section one of this act. (*Id.* § 6.)

*§ 106. **Applicant to receive order for seed grain upon signing contract to repay.** The county auditor of each county shall, at the request of the chairman of the board of county commissioners, issue to each applicant an order for the number of bushels of each kind of seed grain, which has been allowed to said applicant: *provided*, that said order shall not be issued until said applicant has signed a contract in duplicate form to be attested by the county auditor wherein said applicant for and in consideration of ——— bushels of seed grain received from the state promises to pay to the state of Minnesota, the amount of the cost of said seed grain, that said sum shall be taxable against the real and personal property of said applicant, and that said applicant will refund to the state in the form of a tax to be levied by the county auditor of the proper county, the same to be collected as taxes against real and personal property are collected by virtue of the laws of this state, and that said sum so levied shall be a first lien upon the crop of grain raised each year by the person receiving said seed grain until the said tax is fully paid. (*Id.* § 7.)

*§ 107. **Tax to be levied against applicant for such repayment.** It shall be the duty of the county auditor of each county, to cause to be levied against the property of each person receiving said seed grain under the provisions of this act the total sum due the state by each person so receiving said seed grain, one-half of the said sum to be levied in each of the two years first following the contract

given for seed grain; and all moneys collected by the county treasurer of each county under the provisions of this act without compensation, and shall be kept separate from other state taxes, and paid over to the state treasurer. (1878, c. 94, § 8.)

*§ 108. **Contracts for repayment to be filed and scheduled—surplus seed to be sold.** That the contracts as provided for in section seven of this act, shall be numbered in consecutive order by the county auditor, one of which shall be transmitted to the state auditor, and the other filed in his office, and the county auditor shall keep a correct schedule of the same, giving number and name of each applicant and date of contract, the amount of each kind of seed grain, cost of each kind of seed grain per bushel, and the total sum due the state; also a description of the land occupied by each of such applicants, in a book to be used for that purpose, and no other, said book to be open to public inspection; and a true copy of said schedule shall be made and signed by the chairman of the board of county commissioners, and certified to by the county auditor, and forwarded to the governor: *provided*, that after all applicants for seed grain are supplied, should there be a surplus, the same shall be sold by direction of the board of county commissioners, and the sum received therefor, shall be paid over to the county treasurer, who shall give his receipt, and said sum shall by him be paid over to the state treasurer. (*Id.* § 9.)

*§ 109. **Contracts when filed, a lien on crops.** Upon the filing of said contract as provided for in section nine of this act, the state of Minnesota shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving said seed grain, to the amount of the total sum due the state, as stated in said contract, as against all creditors, purchasers or mortgagees, in good faith or otherwise; and the said filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence of said lien, which shall continue in force until the tax, as provided for in said contract, is paid. (*Id.* § 10.)

*§ 110. **When tax is paid, contract to be cancelled.** Whenever the tax, as provided for in each contract filed under the provisions of this act, is fully paid, the county auditor is fully empowered to cancel such contract, and shall write the word "satisfied," with the date, opposite the name of such person, in the book in which said contracts are entered, and shall deliver up said contract to the person entitled thereto. (*Id.* § 11.)

*§ 111. **Penalty for using grain for other purpose than planting.** Any person or persons who shall sell, transfer, take or carry away, or in any manner dispose of the said seed grain, or any part thereof, furnished by the state for seed grain purposes only, or to use the said seed grain for any other purpose than that of sowing or planting his ground, or who shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, procured by the sowing or planting of said seed grain, with the intent to defraud the state, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall pay a fine of not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for a term of not less than ninety days, and shall pay all costs of prosecution; and whoever, under any of the provisions of this act, shall be found guilty of false swearing, shall suffer the pains and penalties of perjury. (*Id.* § 12.)

*§ 112. **Complaints for violation—trial and imprisonment.** It shall be the duty of the supervisors, constables and town clerks of towns, and the commissioners, sheriff and county attorneys of the counties embraced herein, having knowledge of the violation of the provisions of this act, to make complaint thereof to any justice of the peace of the proper county, and said justice shall issue a warrant for the arrest of the offender, and proceed to hear and determine the matter in issue in the same manner as provided in other cases, and every person convicted under the provisions of this act, shall stand committed to the county

jail until such fine is paid; *provided* such imprisonment shall not exceed ninety days. (1878, c. 94, § 13.)

*§ 113. **Auditors not to have extra compensation.** The county auditor shall receive no extra compensation for the services imposed upon him by this act. (*Id.* § 14.)

*§ 114. **Compensation of commissioners.** The county commissioners shall receive as compensation for the services imposed upon them by this act, the sum of two dollars per day for each day necessarily occupied, not to exceed five days in all, to be paid out of the general county fund. (*Id.* § 15.)

SALE OF PATENT RIGHTS.

*§ 115. **Vendor to file copy of letters patent, etc., with clerk—license to sell.** That it shall be unlawful for any person or persons, to sell, or barter, or offer to sell or barter, in any county within this state, any patent right, or any right which such person shall allege or pretend to be a patent right, without first having filed with the clerk of the district court of such county a true copy of the letters patent, duly authenticated under the seal of the proper officer, and at the same time subscribing and swearing or affirming to an affidavit before such clerk, that such letters patent are genuine, and have not been revoked or annulled, and that he has full authority to sell or barter in such county the right so patented; and said affidavit shall also set forth his name, age, occupation and residence, and if an agent, the name, occupation and residence of his principal. Said affidavit shall be filed in the office of said clerk, who shall give to the applicant a certificate, under his official seal, setting forth in detail the facts showing a full compliance by said applicant with the provisions of this act, and said applicant shall exhibit the same to any person on demand. (1871, c. 26, § 1.)*

*§ 116. **Form of notes given for patent-right—effect as evidence.** Any person who may take any promissory note, or other obligation in writing, for which any patent right, or right claimed or pretended by him or her to be a patent right, shall form the whole or any part of the consideration, shall, before it shall be signed by the maker or makers, insert in the body of said note or other written instrument, above the place of signature of said maker or makers, in plain and legible writing, or print, the words, "Given for a patent right;" and in all cases where such words, or equivalent words, are written or printed upon the face of any note, or other written instrument, the same shall be deemed and taken in all courts and places to be *prima facie* evidence that the consideration of said note or other instrument was the sale of a patent right, or a pretended patent right, or of the right to make, use or vend the same, or the pretended right to make, use and vend the same; and the same defense may be interposed thereto, if said note or instrument shall have been transferred, that might have been interposed had the same remained in the hands of the person to whom the same was given or made payable. (*Id.* § 2.)

*§ 117. **Penalty for violation of act.** Any person who shall sell or barter, or offer to sell or barter, within this state, any patent right, or pretended patent right, or shall take any promissory note or obligation in writing for a patent right, or for what he may call or pretend to be a patent right, without complying with all the requirements of this act, or shall refuse to exhibit the certificate mentioned in section one of this act, whenever demanded, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the jail of the proper county not more than one year, or by such fine and imprisonment both, in the discretion of the court, and shall also be liable to the party injured, in a civil action, for treble the amount of damages sustained. (*Id.* § 3.)

*"An act to regulate the sale of patent-rights and prevent frauds in connection therewith." Approved March 6, 1871. This act has been declared unconstitutional. See 23 M 24.

*§ 118. **False Swearing.** Whoever shall wilfully swear or affirm falsely in regard to any of the matters or things required to be set forth in the affidavit mentioned in section one of this act, shall be deemed guilty of perjury. (1871, c. 26, § 4.)

*§ 119. **Fees of clerk of court.** Clerks of the district court shall be entitled to the following fees for their services under this act: for receiving and filing copies of letters patent, one dollar; for administering oaths, twenty-five cents; for the certificate provided in section one of this act, one dollar; for all other certificates, fifty cents. (*Id.* § 5.)

*§ 120. **Clerk not to file letters patent or issue certificates, when—penalty.** No clerk of the district court shall receive or file in his office any copy of letters patent, unless the same shall have been duly authenticated under the seal of the commissioner of patents, nor shall such clerk issue to any person the certificate mentioned in section one of this act, until such person shall have first fully complied with all the provisions of this act. And if any such clerk shall violate any of the provisions of this act, he shall be adjudged guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, and also be liable in damages to any party injured, in a civil action. (*Id.* § 6.)

*§ 121. **Venue of actions on patent-right notes, etc.** All actions commenced before a justice of the peace, in the district court, or in the court of common pleas, in this state, to recover any debt, demand or sum of money, upon any promissory note or other written instrument, where the consideration thereof was for a patent right, or any interest therein, shall be brought in the county where the defendant resides, if a resident of this state, at the time of the commencement of such action, and not elsewhere. (*Id.* § 7, *as amended* 1874, c. 75, § 1.)

*§ 122. **"Patent-right," defined.** The words "patent right" shall, for the purpose of this act, be construed to include any instrument, article or thing whatsoever, having a part thereof, or attached thereto, or connected therewith, any device, combination or mechanism whatever, upon which letters patent may have been granted and in force, or pretended or represented to have been granted and in force, or either, at the time of the making the note or other written instrument, upon which an action is or may be brought. (*Id.* § 8.)

BOUNTIES FOR KILLING WOLVES.

*§ 123. **Who authorized to give bounty—amount—where payable.** The board of county commissioners of the several organized counties of this state are hereby authorized and empowered, if in their opinion it is deemed necessary or expedient, to give a bounty for the destruction of wolves, in their respective counties, not exceeding the sum of five dollars for each wolf so destroyed, payable at the treasury of the county wherein such wolf may be taken and killed. (1872, c. 29, § 1.)

*§ 124. **Conditions on which bounty is payable—proof** When the county commissioners shall grant said bounty, any person claiming such bounty shall produce the head of each wolf, with the ears and scalp entire, within twenty days after the same has been taken and killed, to the county auditor of the county within which such wolf was taken and killed, and shall make oath or affirmation in writing before such auditor that the wolf whose head and scalp are produced was taken and killed within such county within twenty days last past. (*Id.* § 2.)

*§ 125. **When auditor will issue order on treasurer.** The county auditor before whom the said oath or affirmation is made shall cause the head and scalp of said wolf to be destroyed in his presence, and shall file affidavit so taken in his office, and shall grant an order to the person making the affidavit for the amount due him on the treasurer of the county where such wolf was taken and killed,

and shall take a receipt of such person for such order, which order shall be received for all county taxes. (*Id.* § 3.)

*§ 126. **Record to be made by order—to whom presented.** The said county auditor shall make a record of the date, number and amount of all orders drawn by him under the provisions of section three of this act, and the name of the person to whom granted, and shall present such record with the receipts for said orders, and the affidavits above named, to the county commissioners of his county, at their regular annual meeting in September of each year. (*Id.* § 4.)

BOUNTIES FOR ARREST OF HORSE THIEVES.

*§ 127. **State bounty for arrest and conviction of horse thieves.** That the sum of two hundred dollars be paid to any person or persons for the arrest and conviction of each and every person that steals a horse or horses from any person or persons in this state, which amount shall be paid to the person or persons entitled thereto, on the presentation of a certificate, issued as hereinafter provided, from the clerk of the court of the county where such conviction was had, setting forth the object for which the same was issued, to the treasurer of the proper county; and such county treasurer shall take a receipt for the same, setting forth the object for which it was paid; which certificate and receipt shall be forwarded to the state auditor, who shall, at the next settlement, place a warrant for such amount into the hands of the state treasurer, to be credited on the settlement with said county treasurer. (1875, c. 90, § 1, *as amended* 1877, c. 63, § 1.)

*§ 128. **Same—proceedings to obtain bounty.** Any person or persons claiming such bounty shall, within twenty days after the conviction of criminal, apply to the judge of the district court of the county wherein such conviction was had, for an order on the clerk for such certificate. The judge of said court shall thereupon, after the expiration of the said twenty days, appoint a time and place for the purpose of taking and hearing evidence of the person or persons claiming such bounty, establishing their right thereto, who shall be notified by the clerk of said court of the time and place for hearing of the same; and if, after hearing such evidence, it shall appear to the satisfaction of said judge that any person or persons applying therefor are entitled to such bounty, he shall apportion the same among the claimants, if more than one, and make an order directing the clerk to issue a certificate or certificates therefor. (*Id.* § 2, *as amended* 1877, c. 63, § 2.)

*§ 129. **Same—costs and expenses to be paid by applicant, when.** Each and every person applying for such bounty shall pay all costs and expenses made by him or them, and shall have no right to such bounty without they apply for the same within the time mentioned in this act. (*Id.* § 3, *as amended* 1877, c. 63, § 3.)

And §§ 161, 164, 167, 174 to 268, incl. See 1883 Sup't, pp. 94 to 112, incl.
 §§ 130 to 173, incl. See 1881 Sup't, pp. 117 to 122, incl.