

removing any timber from any of the lands mentioned in the preceding section, shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars nor less than fifteen dollars, and in default of the payment of the fine, shall be committed to the county jail for a term not less than thirty days nor more than three months. Penalty to owners of horses, etc

SEC. 4. Chapter twenty four of the Public Statutes of Minnesota is hereby repealed. Repeal of Chapter 24

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XIII.

An Act to Establish the Bureau of Public Lands, and for other purposes.

- SECTION 1. State Board of Commissioners—duty of said Board.
2. Governor to appoint suitable persons for unorganized counties.
 3. Duties of Surveyors.
 4. Board of Commissioners to have power to fix compensation for surveyors.
 5. When to cause to be made an accurate survey of swamp lands—surveyor to keep correct field notes, etc.
 6. Board of Commissioners shall proceed to make contract for survey of all lands embraced in said grant—Governor shall communicate result of said survey, and procure such lands to be patented to the State.
 7. Auditor of State to be Register of Bureau—compensation.
 8. Treasurer of State to be Receiver of Bureau—his duties as said officer—shall give bond for faithful discharge of his duty.
 9. Nothing to be construed to interfere with the duties of the Governor and other State officers.

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

SECTION 1. That the Governor, Attorney General and Superintendent of Public Instruction of this State be, and they are hereby declared to be a State Board of Commissioners of Public Lands. It is hereby declared to be the duty of said board, to procure from the surveyor general of the proper districts of United States public lands, such certified copies of the maps, together with the field notes, as may be necessary to enable them to discharge Board of Commissioners—duty of said Board

the duties imposed upon said board by this act. They shall also procure from time to time schedules of all lands belonging to this State, or which may be hereafter acquired, and books prepared for those several purposes, and enter the school lands, university lands, salt lands, capitol lands, railroad lands, and swamp lands, and designate the same upon said map. And the said board shall have the general care and supervision of the public lands, the selling or leasing the same, and the investment and disposition of the funds arising therefrom, under such provisions of law as may be established in reference thereto; *Provided*, That the same books, plats and field notes shall, as far as practicable, be used by the bureau of public lands, and by the state board of commissioners of school lands.

To appoint surveyors for unorganized counties

SEC. 2. That the Governor shall appoint suitable persons for unorganized counties, and for such counties whose surveyors neglect or refuse to comply with the requirements of this Act.

Duties of Surveyors

SEC. 3. That the county surveyors and such persons as may be appointed by the Governor, shall proceed to examine the lands of their respective counties, ordered by said board to be surveyed and examined, under such rules and directions as shall be prescribed by the United States Commissioner of the General Land Office, and of the Board of Commissioners of Public Lands, and report the result of such examination by or within the time or times prescribed, such reports shall set forth the character and quality of all lands in which this State has or may have title, of whatsoever name or nature, embracing soil, timber and mineral, as observed on or near all lines followed or run by the surveyor, together with a schedule of all lands to which this State is or may be entitled under the act of Congress of March twelfth, eighteen hundred and sixty.

To fix compensation

SEC. 4. That the said board of commissioners of public lands shall have the power to fix the rate or price per acre to be allowed to the county surveyors and other persons making the surveys and examinations authorized by this Act, or ordered under or in pursuance thereof; *Provided*, That such compensation shall not exceed one cent per acre for all swamp lands so examined and acquired by the State.

SEC. 5. The said board of commissioners shall, prior

to the first day of September, in the year of our Lord one thousand eight hundred and sixty-one, cause and procure to be made at the expense of the State an accurate survey of all swamp lands embraced in the grant made by Congress to Minnesota by the Act of March twelfth, eighteen hundred and sixty, in a certain number of congressional townships not exceeding twelve, to be selected and designated by said board of commissioners, and the surveyor or surveyors who shall be requested to make such survey, shall keep correct field notes and make accurate plats of the townships surveyed by them, showing the said swamp lands therein found, accompanied by a certificate under the hand of such surveyor or surveyors, that the same is a correct plat of said township and that the number of acres of swamp lands found in said township by such survey is Accurate survey
—when to be
made, and cause the same so certified, together with the field notes of such survey, to be filed in the office of said board of commissioners of public lands on or before the first day of September, in the year of our Lord one thousand eight hundred and sixty-one, and the said board of commissioners shall thereupon immediately cause copies of said plats, certificates and field notes to be made and transmitted immediately to the commissioner of the general land office at Washington, for his approval of the said surveys and plats, and the amount of swamp lands certified to be found and embraced therein, with the request that the said commissioner shall signify his approval or disapproval of said surveys, and his acceptance of the same or any part thereof at his earliest convenience, and return the same to the Governor of the State, with his action expressed thereon, after said plats and field notes have been returned from the commissioner of the general land office with the amount of swamp lands accepted, the board of commissioners shall compare the amount of swamp lands so accepted from said actual survey, with the amount found by the field notes and plats of the government survey, and if upon said comparison it shall be ascertained that ten per cent. or more swamp land is found by actual survey than by the field notes and plats of the government survey, the governor thereupon shall give immediate notice to the commissioner of the general land office that the State will furnish evidence of the lands in this State of the character embraced in the grant

of Congress of March twelfth, one thousand eight hundred and sixty, and if upon said comparison it shall be found that the amount of said lands embraced in said grant as by the actual survey and acceptance of the commissioner of the general land office does not exceed by ten per cent. or more the amount as shown by the field notes and plats of the government survey, then the governor shall immediately notify the commissioner of the general land office that the State will be willing to abide by the field notes of the surveys of the general government, as designating said lands.

To make contract
—procure land to
be patented

SEC. 6. If the governor shall give notice to the commissioner of the general land office pursuant to the provisions of the last preceding section, that the State will furnish evidence of the lands of the character embraced in the grant to Minnesota, under the Act of Congress of March twelfth one thousand eight hundred and sixty, the board of commissioners of public lands shall proceed as soon as practicable to make contract for the survey of all lands of the character embraced in said grant upon the best terms for the State as to price and time and character of payment that can be had or made with any parties, and the governor shall communicate the result of said surveys and the evidence of the amount of all lands in any township of the character embraced in said grant, to the commissioner of the general land office, as fast as said surveys are made, and procure such lands to be patented to the State at as early a day as practicable.

Auditor of State
to be Register—
compensation

SEC. 7. The Auditor of State shall be register of the bureau of public lands and he shall do and perform such duties as are directed by said board and by law, and he shall receive in full compensation for his services, rendered by virtue of this Act, the sum of one hundred dollars for contingent expenses.

Treasurer to be
Receiver—give
bond

SEC. 8. The Treasurer of State shall be receiver of the bureau of public lands and it shall be his duty to safely keep and pay out according to law all moneys entrusted to his care by virtue of said office, and as directed by said board of commissioners, and make and execute a bond conditioned for the faithful discharge of the duties of said office to the State of Minnesota, in such sum and with such number of sureties as said board may require, which said bond shall be approved by and filed with said board of commissioners.

SEC. 9. Nothing in this Act shall be construed so as to interfere with the specific duties imposed upon the governor, attorney general, superintendent of public instruction, state auditor or state treasurer in an act to provide for the appraisal, sale and keeping of the school lands, and the investment of the funds arising therefrom.

Not to interfere
with duties of
State officers

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 11th, A. D. 1861.

CHAPTER XIV.

An Act to Provide for the Appraisal, Sale and Leasing of the School Lands and the Investment of the Funds Arising therefrom.

- SECTION 1.** State Board of Commissioners of school lands—its officers.
- 2.** To have supervision of school lands and disposition of the funds.
- 3.** To provide for suitable books for Register and Receiver—Board to examine books and accounts of Register and Receiver, at least once each quarter of fiscal year.
- 4.** Register to keep record of all business transactions of Board.
- 5.** Receiver to receive and keep all funds, and pay out all moneys in his hands on the proper order of the Commissioner attested by the Register—bond for faithful performance of duties.
- 6.** Board of Commissioners required to procure copies of all plats and field notes of governmental surveys, so far as they relate to school lands.
- 7.** Appraisal of school lands in any portion of the State.
- 8.** Board of Commissioners shall settle with the Receiver on the second Tuesday of December of each year, and at such other times as they may require.
- 9.** Minimum price per acre.
- 10.** Appraisers appointed for the purpose of fixing value upon school lands above minimum price.
- 11.** No person in possession of school land shall be appointed appraiser.
- 12.** The appraiser appointed by the Board of Commissioners shall notify the Auditor of County of the time when and where he will attend and make such appraisement.
- 13.** Each appraiser shall take and subscribe an oath that he will faithfully and impartially discharge the duties devolving upon him.
- 14.** Duty of appraisers—land to be platted into town or village lots when directed—plat to be filed with County Auditor.
- 15.** Appraisers shall make a personal examination of each portion of school land to be appraised by them.
- 16.** To appraise all permanent improvements of school lands.
- 17.** When authorized to employ competent surveyor.
- 18.** May demand written statements from occupants on school lands—what portion of school lands they are occupying.
- 19.** Duties of Sheriff—fees therefor.
- 20.** All school lands claimed shall be assessed for taxation in the same manner as other lands are assessed.
- 21.** If at such sale there are no bidders, the Treasurer shall strike off the same in the name of the State.