

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.

- SECTION 22.** The County Auditor shall add the appraised value of such improvements to the land, and make statement thereof in his report.
23. Lands and improvements may be leased in the discretion of the Board of Commissioners.
24. Every person holding school lands shall list the same with his other property.
25. Any person wishing to purchase any portion of school lands after appraisal, Board of Commissioners may direct the Auditor of the proper county to advertise the sale of the lands for which offers are made.
26. County Auditor to advertise the sale of such lands, time and place to be fixed by him.
27. Each tract shall be offered separately.
28. Auditor shall deliver to each purchaser a certificate required by Treasurer and countersigned by such Auditor stating name of purchaser, etc.
29. In case the purchaser fails to comply with the terms of the sale, the lot so sold shall be again offered for sale.
30. The certificate of sale shall confer upon the purchaser all the rights and liabilities of a title in fee simple.
31. All such certificates may be assigned in writing, etc.
32. All lands sold under the provisions of this Act, shall be subject to taxation.
33. In case of default in the payment of either principal or interest when it shall become due, such certificate shall become void, and the holder thereof shall forfeit all right and interest.
34. The Treasurer of each county shall be treasurer of the school fund—bond for the faithful performance of duties.
35. All payments of the school fund shall be made to the County Treasurer—duplicate to be filed in the Auditor's office.
36. When payments shall be fully made, the Auditor of the proper county shall certify such payment.
37. Each County Treasurer shall keep a true account of all moneys received by him, belonging to the school land fund—report to State Superintendent—time when.
38. Payment of school fund shall always be made in specie.
39. All payments of school lands upon which are improvements, shall be made subject to the payment by the purchaser to the person owning the same.
40. County Auditor to keep an account with the Treasurer, and shall quarterly make a full settlement with such Treasurer.
41. The principal sum arising from sales of school lands shall remain a perpetual school fund.
42. All moneys received as interest on such fund shall constitute a current school fund.
43. The school fund shall from time to time be invested in United States Stocks or Stocks of the State of Minnesota, at current value in the city of New York.
44. Compensation for Register and Receiver.
45. Compensation for Appraiser appointed by the State Board of Commissioners.
46. All acts inconsistent with this Act are hereby repealed.

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

State Board of
Commissioners—
its officers

SECTION 1. That the Governor, Attorney General, and Superintendent of Public Instruction be, and they are hereby constituted a State Board of Commissioners of school lands, that the auditor of state shall be the register, and the state treasurer shall be the receiver.

Supervision of
lands and dispo-
sition of funds

SEC. 2. Said board of commissioners shall have the general care and supervision of the school 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.

SEC. 3. It shall be the duty of the State board of commissioners to provide suitable books for the register and receiver in which to make and preserve faithful records of all the doings of the board, and accurate entry of all

sales, contracts, or leases of lands and the conditions thereof, an accurate statement of the funds arising from such sales or leases distinguishing between funds arising from sales, rents of lands, and interest upon unpaid balances on contracts, and upon money invested, and a record of all appraisements and surveys made therefor. And it shall be the duty of said State board of commissioners to examine the books and accounts of the register and receiver at least once in each quarter of the fiscal year, and to exercise a general care and supervision over the business of the department.

Provide books for officers—when to examine books

SEC. 4. The register shall keep an accurate record of all the business transactions of the board of commissioners and file and record all papers, reports, returns, and other matters necessary to carry out the provisions of this Act, under the instructions of the board of commissioners, keeping accounts of all funds belonging to the State or accruing under the provisions of this Act; and in such accounts distinguishing between the permanent school fund and the current and other school funds, and shall attest all orders for the payment of moneys, or their transfer from the county treasuries to the receiver, or from one county treasury to another, as may be directed by the board of commissioners in the distribution of the current school funds, and said board are hereby authorized to order such transfer of funds from one treasury to another as may be necessary or desirable in the disbursement and distribution of the current school funds.

Duty of Register

SEC. 5. The receiver shall receive and safely keep all the funds whether in cash or otherwise, accrued or accruing to the State for school purposes and coming to his hands. He shall keep an account of all such funds coming into his hands, and also of all moneys paid out by him, and in every case distinguishing between the permanent funds and the current funds; and shall pay out all moneys in his hands on the proper order of the commissioners, attested by the register, and any moneys in his hands and all books, papers and other property belonging to his office he shall deliver to his successor in office, taking his receipt therefor.

Duty of Receiver—give bond

The receiver shall also execute and deliver to the State of Minnesota a bond with five or more good and sufficient sureties, in the sum of ten thousand dollars conditioned for the faithful performance of the duties of his

said office, and that said receiver shall keep and account as provided by law, for all moneys that shall come into his hands or under his control, under or in pursuance of the provisions of this Act; and said bond shall be payable to the State of Minnesota, and shall be approved by the State board of commissioners. And said receiver shall also, before entering upon the duties of his office, take and subscribe an oath before some person authorized by law to administer oaths, that he will faithfully discharge the duties of his office, which said oath of office and his official bond, shall be deposited with the governor of this State before entering upon the duties of his said office.

Procure copies of
all plats and field
notes

SEC. 6. The State board of commissioners are hereby instructed and required to procure copies of all the plats and field notes of the governmental surveys so far as they relate to school lands belonging to the State, and also the original field notes and platting of all surveys of subdivisions and allotments made under or by direction of said board.

Appraisement of
school lands

SEC. 7. They shall cause to be made an appraisement of the school lands in any portion of the State whenever they shall think the interest of the school fund demands it, and for that purpose shall appoint some suitable person to be appraiser of the school lands in the State at large, and shall direct the register to furnish to him suitable plats and blanks to be used in making the same; such appraiser to be associated with others to be appointed, one in each county and one in each town in the State, as hereinafter provided and directed.

Settle with Re-
ceiver-time when

SEC. 8. The State board of commissioners shall settle with the receiver on the second Tuesday of December of each year, and at such other time or times as they may require, making an entry of the same upon his books, attested by them, and the State superintendent of public instruction shall incorporate a full exhibit of the condition of each fund and all other matters in relation to the same into his annual report required to be made to the legislature, and shall on the first Monday of February in each year apportion the available current school funds in the State treasury to the several counties of this State in proportion to the reported number of scholars between the ages of five and twenty one years residing therein on the first day of October previous, and shall

transmit a statement thereof to the auditor of each county in this State.

SEC. 9. No school land held by this State shall be sold or offered for sale at less than seven dollars per acre which shall be the minimum price for all such lands in all cases. Minimum price per acre

SEC. 10. For the purpose of fixing a value upon such of the school lands as may be of a greater value than seven dollars per acre, there shall be appointed by the board of commissioners of the bureau of public school lands, one appraiser of school lands in the State at large, one appraiser shall be appointed by the county commissioners, and one by the supervisors of each town in which appraisements are ordered to be made; the appraiser appointed by the county commissioners shall assist in appraisement of all such lands in the county, and those appointed by the supervisors shall assist in appraising all such lands in the town for which they are respectively appointed, making them a board of three appraisers. To fix value above minimum price

SEC. 11. No person holding possession or occupying any school lands, or claiming any interest therein, or any investments thereon, shall be appointed an appraiser under this act. Who not to be appointed appraisers

SEC. 12. When directed by the State board of commissioners to make an appraisement of the school lands or any part thereof, in any town or county in the State, the appraiser appointed by the board of commissioners shall notify the auditor of the county of the time when he will attend and make such appraisement, and such auditor shall give notice to the commissioners of the county and the chairman of supervisors of the towns and such commissioners and supervisors shall make the appointment of appraisers as directed in this Act. Time when and where he will attend

SEC. 13. Each appraiser shall before entering upon the duties of his office, take and subscribe an oath or affirmation before some officer qualified to administer oaths that he will faithfully and impartially discharge the duties devolving upon him as such appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the school lands or the improvements thereon, and has entered into no combination to purchase the same or any part thereof which said oath or affirmation shall be attached to the report made of such appraisement as hereinafter provided. Oath

Duty of appraisers

SEC. 14. It shall be the duty of the appraisers to divide the school land to be appraised by them into such parcels as in their judgment will best advance the interest of the school fund, conforming as far as can conveniently be done with sub-divisions of the United States surveys, no one of which shall contain more than one hundred and sixty acres, and no lot of timber land, (except pine lands) the principal value of which consists in the timber growing thereon, shall contain more than ten acres, and when the State board of commissioners shall direct, land shall be platted into town or village lots, containing not less than one acre in each of such lots, and in all cases of sub-divisions, less than forty acres the appraisers shall make a plat thereof, numbering the several sub-divisions by successive numbers and marking distinctly thereon in figures, the number of acres each sub-division contains, a copy of which plat shall be filed in the office of the county auditor.

Appraisers to make personal examination

SEC. 15. The appraisers shall proceed to make a personal examination of each portion of school land so divided and to be appraised by them, and if in their opinion any such sub-division of land is worth more than the minimum price per acre as established by this Act, they shall set down opposite the description of such land the value thereof as ascertained by them, but if they shall think such land is not worth more than the minimum price they shall write opposite such lands "minimum;" and for the purpose of ascertaining the amount of rent to be assessed in pursuance of the provisions of this Act, the said appraisers shall also set opposite the description of such land as they shall think worth not more than the minimum price, such price per acre as they shall deem such land to be actually worth.

To appraise all permanent improvements

SEC. 16. The appraisers shall also appraise all permanent improvements of school lands, and shall also appraise all damages and waste to the premises by cutting timber, or the removal of timber, stone, or other materials from the premises, and the balance, after deducting damages and waste appraised as aforesaid, shall be set down as the value of the improvements upon the lands so appraised. *Provided*, That this section shall not be construed to affect the right of the State to the value of such lands appraised.

SEC. 17. Whenever the appraisers are unable to

ascertain the lines of the United States surveys, which may be important to a correct knowledge and estimate of the value of any tract or parcel of school lands which they are directed to appraise; or when they shall think the interest of the school fund requires the appraisal of lands in parcels less than forty acre tracts, they are hereby authorized to employ competent surveyors, to reproduce such lines or make sub-divisions of such lands, and plats of the same, in doing which the surveyor shall pursue the methods of marking lines and bearing trees and the erection of monuments directed to be pursued by surveyors of United States lands, which surveyor shall also keep similar field notes, and such other notes as may be required of him by instructions from the board of commissioners, and having subscribed and sworn to the correctness of the same, shall deliver such field notes and plats to the appraisers, who shall by one of their number make return thereof to the State board of commissioners with the appraisal of all such lands and improvements thereon as provided in this Act, and deliver a copy thereof to the auditor of the proper county.

When authorized
to employ sur-
veyor

SEC. 18. Whenever the appraisers shall find any portion of the school lands under cultivation, and in the actual occupation of any person or persons, they shall demand of such person or persons a statement in writing, under his or their hands, setting forth what portions of such lands in legal sub-divisions, containing no more than one hundred and sixty acres, nor less than forty acres, he or they are occupying and are desirous of continuing to occupy, which shall embrace all the lands, provided the same does not exceed one hundred and sixty acres, upon which such occupant has made improvements, and no more, and the said occupant shall be entitled to retain the possession and occupation of such land, upon complying with the provisions of this Act, and not otherwise. The appraisers shall file such written statement in the office of the auditor of the proper county, and all persons are hereby prohibited from taking possession of or entering upon for the purpose of settlement or use, any school lands belonging to this State, except as a purchaser or lessee as provided in this Act, under a penalty of \$—, and every person entering upon school lands or occupying the same unlawfully, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine

Written state-
ments from occu-
pants

not exceeding one hundred dollars, nor less than twenty-five dollars, and every person who has knowledge that any party or parties have illegally entered upon any school lands, or is unlawfully continuing in the occupancy thereof, to make complaint of such party or parties before any justice of the peace in county in which the said lands are situated, setting forth that such party or parties (naming them) have illegally and without authority entered upon any school lands, (describing them,) and continues in the occupation thereof unlawfully, and such justice shall thereupon issue his warrant, and cause such party or parties to be forthwith arrested and brought before him, and shall proceed to hear the evidence offered in support of the complaint, and in behalf of the defendant, and if the said justice shall find the facts set forth in said complaint to be true, and said party or parties guilty of the charge in said complaint contained, he shall order such party or parties to pay a fine not exceeding one hundred dollars, nor less than twenty-five dollars, and to stand committed until such fine is paid, for a term not exceeding three months, and may also issue an execution for the collection of such fine, out of any property of the defendant not exempt by law from execution. And an appeal shall be allowed from the judgment of the justice, on behalf of the defendant or the State, and the cost of said proceedings shall be paid out of the fines collected, and the balance of said fines shall be paid into the county treasury, and become a part of the school fund. *Provided*, That any party arrested under the provisions of this Act, shall be entitled to a jury trial, as in other cases in justices' courts. And *Provided*, That when no fines are collected, the costs of such proceedings shall be paid by the State.

SEC. 19. It shall be the duty of the sheriff of each and every county in this State to remove from the school lands belonging to this State in a summary manner, any and all persons who have since the first day of January, one thousand eight hundred and sixty-one, entered upon the school lands, or who may hereafter without authority of law, enter upon with the intent to improve or occupy any part thereof; any sheriff making such summary removal shall collect the cost of such proceedings by levy upon the goods, chattels or any other property of such person or persons, if he shall find such, from which levy

no property of such person shall be exempt except wearing apparel and bedding.

SEC. 20. Each and every parcel of school land claimed to be held, and all the improvements thereon, shall be assessed for taxation by the town assessor, at the same rates and in the same manner other lands and improvements are assessed, and the taxes levied upon such valuation together with five per cent. upon the value of the land as ascertained by the appraisers or fixed by this Act, as a rent, shall be collected with taxes upon other property, and in the same manner and for all the purposes for which other property can be taxed, *Excepting, and provided always,* That a failure to pay such taxes upon such lands shall not work a forfeiture of the title the State has to such lands; *And provided further,* That if there shall not be goods and chattels whereof to levy and collect such tax, the same may be collected by distress and sale of any or all interest the occupant or any other person may have in the improvements upon such lands, giving like notice as is given for sale of real estate upon execution, and such sale shall be absolute from sixty days after the date thereof, and vest in the purchaser all right and title of the occupant thereof in or to such property, and the possession and occupancy of the lands upon which they are situated.

To be assessed in same manner as other lands

SEC. 21. If there are no bidders at such sale who will bid and pay for the improvements so offered, the amount of taxes assessed thereon, and the five per cent. rents charged upon the appraised or minimum price of such lands, the treasurer of the county or such other person as may be by law authorized to make sale of such improvements, shall strike off the same in the name of the State for the benefit of the school land fund, and shall make report thereof to the county auditor and to the board of commissioners.

When to bid in the name of the State

SEC. 22. The county auditor shall add the appraised value of such improvements to the appraised value of the lands upon which such improvements are situated, and the aggregate thereof shall be the value of such lands, and upon which the rent of five per cent. shall be estimated, and shall make statement thereof in his report.

To add appraised value to lands improved

SEC. 23. The lands and the improvements thereon thus acquired by the State may, in the discretion of the board of commissioners, be leased for five per cent. per

Lands and im-
provements may
be leased

annum upon the aggregate value thereof, payable annually (in advance,) and they may also make such arrangements for the rent of grass and cranberry lands or the sale of grass or cranberries upon such lands as they may deem best calculated to increase the revenue arising therefrom, and for that purpose may authorize the chairman of the supervisors of the proper town, or any other suitable person to look after the same, and report and pay the amount realized therefrom to the county treasurer.

School lands to
be listed with
other property

SEC. 24. Every person holding or claiming to hold possession of any part of the school lands of this State, whether appraised or not, shall list the same with his other property, as required by section four of chapter one of the general laws of the State of Minnesota, approved March ninth, one thousand eight hundred and sixty, giving the amount and description of such school lands claimed to be in his possession, which shall be assessed by the assessor as other lands are assessed, and the county auditor shall in addition to all taxes levied thereon in pursuance of such assessment, enter in a separate column opposite such lands an assessment of five per cent. upon the appraised or minimum value thereof, as a rent therefor, to be collected as provided in this act, and all lands not appraised shall be assessed such rent upon the minimum value of seven dollars per acre.

To advertise
lands for which
offer are made

SEC. 25. After the school lands in any county or portion of the State have been appraised and the appraisal returned to the board of commissioners, any person wishing to purchase any portion of such lands at a price equal to the appraised value or the minimum price, as the case may be, or at some greater price, may transmit to the register an offer, embracing a full description of the land and the price offered to be paid therefor; and when the number of such offers from any one county shall appear sufficient to warrant the expense of a public sale the commissioners may direct the auditor of the proper county, to proceed to advertise a sale of the lands for which offers are made, and such other lands as they may direct. selecting the most valuable for the first sales, and provided that not more than one-third of all such school lands shall be offered and sold within two years; one-third in five years, and one-third in ten years.

SEC. 26. The county auditor shall proceed to adver-

tise the sale of such lands at a time and place to be fixed by him, in the county where the land lies. And the notices for such sale shall be given in the same manner and for the same length of time as notices given for sale of lands for delinquent taxes. The sales shall be held between the hours of ten o'clock in the forenoon, and sundown, and shall be continued from day to day, (Sundays excepted,) until all the lands proposed to be sold are offered.

Auditor to fix
time and place

SEC. 27. Each lot or tract shall be offered separately, and in the order they are inserted in the notice, and no land shall be offered or sold at less price than the appraisement, nor less than seven dollars per acre.

Each tract to be
offered separate-

SEC. 28. Upon the close of the sales of each day the auditor shall deliver to each purchaser, upon his compliance with the terms of sale prescribed by this act, a certificate signed by the treasurer and countersigned by such auditor, executed in duplicate and numbered in the order of execution, stating therein the name of the purchaser, a description of the land sold, the price thereof, the amount remaining unpaid, the terms and times of payment, and the rate and times of payment of interest, but no title shall pass until the patent shall issue therefor, and no patent shall be issued until full payment of the purchase money, interest, and the taxes thereon.

Auditor to give
certificate

The duplicate certificate shall be filed in the office of the county auditor and all notes and other evidences of debt for such purchases shall be deposited with the county treasurer.

SEC. 29. In case a purchaser shall refuse or neglect to comply with the terms of the sale, and fail to make payment as prescribed in section thirty-five of this Act, until the opening of the sale on the following day, the lot so sold shall be again offered for sale on the same terms as before; and the purchaser so refusing or neglecting to pay shall forfeit a sum equal to five per cent. on the amount by him bid as damages, to be recovered by the chairman of the board of county commissioners in the name and behalf of the State.

When to be again
offered for sa.

SEC. 30. The certificate of sale hereinbefore mentioned, shall confer upon the purchaser, his heirs and assigns, all the rights and liabilities of a title in fee simple as against all persons except the State of Minnesota, but it shall not confer any right to cut, destroy or carry away

Title in fee simple

from the land any timber growing or standing thereon, or to impair any improvements, or to remove any minerals therefrom without the written consent of the chairman of the board of county commissioners, and only to the extent of such consent.

But nothing herein contained shall prevent such persons from actually using and applying any wood or timber on the land in improving the same; nor from taking therefrom fuel for the use of his family, nor from actually and fairly improving the land for cultivation.

Certificates to be assigned in writing

SEC. 31. All such certificates may be assigned in writing, witnessed and acknowledged, and the legal assignee shall have the same rights, liabilities and remedies thereupon as the original purchaser.

To be subject to taxation

SEC. 32. All lands sold under the provisions of this Act shall be subject to taxation, the same as other lands, but only the rights of the legal holder thereof can be sold for taxes.

Certificate when to become void

SEC. 33. In case of default in the payment of either principal or interest when it shall become due by the terms of the certificate of sale, and for the period of six months thereafter such certificate shall become void from that time, and the holder thereof shall forfeit all right and interest to and in the land described therein, and the board of county commissioners may take immediate possession of the premises and re-sell or lease the same to any person; *Provided*, That at any time before a re-sale or leasing of said land, the payment of the sum due with interest and costs occasioned by such delay together with five per cent. damages upon the whole sum due for said lands shall receive and reinstate the original certificate.

County Treasurer treasurer of school fund—bond

SEC. 34. The treasurer of each county is hereby made treasurer of the school fund, and as such treasurer he shall execute a bond in the sum of five thousand dollars payable to the State of Minnesota with five good and sufficient sureties, conditioned for the faithful performing the duties of his said office, and that he will account for and pay over all moneys received by him as such treasurer under the provisions of this Act, which said bond shall be approved by the board of county commissioners, and said treasurer of the school fund shall take and subscribe an oath before some person authorized by law to administer oaths, that he will faithfully discharge

the duties of his office, which said oath of office and his official bond shall be deposited with the Governor of this State before entering upon the duties of his said office. *Provided further*, That if the treasurer of any county shall refuse, or for the space of thirty days after the appraisal of any school lands in such county shall neglect to qualify as provided in this section, the State board of commissioners may appoint some person to act as treasurer of the school fund in said county, who shall execute his bond and qualify as hereinbefore provided.

SEC. 35. All payments of principal or interest of the school land fund shall be made to the county treasurer of the proper county, who shall execute duplicate receipts therefor, specifying whether the same is for principal or interest, and the person receiving such duplicate receipts shall immediately deliver them to the county auditor, who shall endorse on one of them the words "duplicate surrendered," with his name thereunder written, and shall return this receipt so endorsed to the person presenting it, and the duplicate shall be filed in the auditor's office, and no receipt without such endorsement shall be, in the hands of such purchaser, evidence of payment.

SEC. 36. When payment of principal, interest and taxes for any purchase shall be fully made, the auditor of the proper county shall certify such payment upon the duplicate certificate of sale on file in his office, and shall transmit the same to the register of the bureau of public school lands, whereupon the Governor shall execute a patent therefor, signed by him and sealed with the great seal of the State, and attested by the State Superintendent of Public Instruction, which shall be transmitted to the auditor of the proper county, to be delivered to the purchaser on presentation of the endorsed certificate of sale held by him.

SEC. 37. Each county treasurer shall keep a true account of all moneys received by him belonging to the school land fund, distinguishing between principal and interest; also an account of all bonds, notes and assets of every kind and description, so that his books will at all times exhibit a clear and comprehensive statement of the condition of the school fund in the county treasury, distinguishing always between permanent funds arising from sales of school land and which are to be invested, and moneys arising from interest upon such funds and

Payments to be made to County Treasurer—duplicate to be filed

Auditor to certify to payments

To keep true account—report—time when

rents of land and other similar sources, which are to go into the apportionment for defraying the expenses of schools. He shall pay to the receiver in gold or silver all school funds in his hands on or before the time of his annual settlement with the state treasurer when required by the state board of commissioners. He shall also on or before the first day of December in each year, transmit to the State Superintendent of Public Instruction, a report, showing the exact state of the permanent and current school funds of the State in his county, together with such other matter within his knowledge as may tend to a perfect understanding of the condition of those funds, which report shall be signed by such treasurer and its correctness attested by the auditor.

Payments to be
made in specie

SEC. 38. Payment to the school fund shall always be made in specie, and the terms of payment to the State for any of the school lands sold under the provisions of this Act shall be as follows:

Twenty-five per cent. of the purchase money shall be paid on the day of the sale, together with interest on the balance to the first day of November following, at the rate of six per cent. per annum.

For the balance of the principal, notes shall be given, payable in one or more installments at any time within twenty years from such sale at the option of the purchaser, with interest at six per cent. per annum, payable annually in advance on the first day of November in each year at the office of the treasurer of the proper county. *Provided*, That the whole amount of the purchase money may be paid on the day of the sale or at any other time or times before it becomes due, and on making such payment the purchaser shall receive his proper certificate.

And, *Provided further*, That for all timbered lands, the value of which consists chiefly in the timber thereon, payment shall be made on the day of the sale thereof, or a credit may be given for a part of the purchase money, not exceeding, however, three-fourths of the whole sum, upon being secured by mortgage upon unincumbered real estate, worth twice the sum to be secured by such mortgage, at the option of the board of county commissioners. Such mortgage shall run to the State of Minnesota, and in case of default in the payment of the money secured thereby, or the interest thereon, the chairman of the board of county commissioners shall fore-

close the same in the manner provided by law for the foreclosure of mortgages, and if necessary shall bid in the property mortgaged on behalf of the State, and the payment of interest shall be as provided in this section. And such foreclosure shall be effectual to bar the right of redemption of the mortgagor or other person claiming under him.

SEC. 39. All sales of school lands upon which are improvements appraised by the appraisers as herein provided, shall be made subject to the payment by the purchaser to the person owning such improvements the value of all such improvements, as ascertained by the appraisers, unless the same be sold to the person owning such improvements. The value of such improvements shall be in addition to the sum bid to be paid to the State for such lands, and shall be paid, one-half on the day of sale, and the balance in six months, with interest at the rate of six per cent. per annum. And every such claim shall be a valid lien upon the land from the date of such sale as against all persons and parties except the State of Minnesota until entirely paid. Payments made
subject to the
purchaser

SEC. 40. The county auditor shall keep in his office an account with the treasurer of his county, charging therein all notes, bonds, moneys and assets of every kind and description delivered to such treasurer; also all moneys paid to such treasurer as hereinbefore mentioned, distinguishing between principal and interest; and shall on the first Monday of January, April, July and October in each year, make a full and complete settlement with such treasurer of such school fund account and transmit to the State Superintendent of Public Instruction a report showing the amount of school lands sold in that year, the amount of purchase money, the amount of proceeds loaned, the number of acres leased, and other matters relating to the school lands or school funds in the county, which may aid the State Superintendent in making his annual report to the legislature as required by law. Auditor to report
quarterly

SEC. 41. The principal sum arising from all sales of school lands shall remain a perpetual school fund in the State, and shall not be reduced by any charges or costs of officers, by fees or by any means whatever. Perpetual: h of
fund

SEC. 42. All moneys received as interest on such permanent fund, or rents on leased lands, shall constitute

What to constitute a current school fund

the current school fund of the State, and shall be distributed by the State Superintendent among the several counties of the State in proportion to the number of scholars therein between the ages of five and twenty-one years, and after such distribution, such money shall become the property of such county for school purposes, and shall, together with the school tax of two and a half mills, and all other school moneys become the current school fund of the county, and shall be apportioned as provided by law.

School fund in what to be invested

SEC. 43. The permanent school fund shall from time to time be invested in United States stocks or stocks of the State of Minnesota, at current value in the city of New York, and the board of commissioners are hereby authorized to make such investment in their official capacity for the benefit of the permanent school fund of the State of Minnesota, and said stocks at the time of the purchase thereof, shall have written upon each certificate of stock, the words "Minnesota School Fund." and said certificates of stock shall not thereafter be negotiated until there shall be written thereon the certificate of the State Board of Commissioners, signed by each member thereof, to the effect that the said stocks are no longer school fund property.

Compensation

SEC. 44. There shall be allowed for the increased duties imposed by the provisions of this Act, as follows: To the register the sum of two hundred and fifty dollars annually, and to the receiver the sum of two hundred and fifty dollars annually, which shall be in full compensation therefor.

Compensation for Appraiser

SEC. 45. The appraiser appointed by the State board of commissioners shall be allowed a compensation of three dollars per day for all time actually spent in the discharge of his duties as such appraiser, to be audited by the board of commissioners, and paid out of the moneys arising from the rents assessed upon the occupants of the school lands. The appraisers appointed by the county commissioners and the boards of supervisors of the several towns, shall be allowed one dollar and fifty cents per day for time actually spent in discharge of the duties imposed upon them, to be audited by the county commissioners and paid by the proper county.

SEC. 46. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 9th, A. D. 1861.