

CHAPTER LXII.

An Act to establish the State Land Office, and for other purposes.

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50. Improvements on lands to be appraised—how paid.
51. Funds arising from sales to be a perpetual school fund.
52. What to constitute the current school fund of the State.
53. Moneys received from the sale of lands to be invested in Minnesota eight per cent. bonds, or United States bonds.
54. Repeal of former acts.
55. Act, when to take effect.

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

SECTION 1. That the State land office hereby established shall be and remain at the seat of government of the State as fixed by law.

Land office to be at the seat of government

SEC. 2. The State auditor shall be *ex officio* commissioner of the land office, and shall receive as compensation for his services as commissioner the annual salary of three hundred dollars per annum and no more.

State Auditor to be Commissioner of Land Office

SEC. 3. The said commissioner shall have the general charge and supervision of all lands belonging to the State, or which may hereafter become its property, and also of all lands in which the State has an interest, or which are or may be held in trust by the State, and may superintend, lease, sell and dispose of the same in such manner as shall be directed by law.

To have general supervision of all lands belonging to the State

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

To keep record of all sales of lands and moneys received

SEC. 5. He shall annually make a report to the legislature, of his official proceedings, showing the quantity of land sold or leased, and the amount received therefor; the amount of interest moneys received to the credit of the several funds, and all such other matters relating to his office as he may think proper to communicate.

Report annually to the Legislature—what to contain

SEC. 6. The commissioner of the land office shall have the custody of all maps, books and papers relating to any of the public lands mentioned in this act. He shall procure an official seal with a proper devise thereon, and

To have custody of all maps, etc. relating to public lands

the seal of the land office affixed to any certificate of purchase, receipt or other instrument issued by the commissioner of the land office, according to the provisions of this act, shall be *prima facie* evidence of the due execution of such certificate or other paper.

To procure official seal

SEC. 7. The minimum price of the school lands shall be five dollars per acre, and no lands shall be sold for less than the minimum, nor for less than the appraised value. *Provided*, That no special act heretofore passed shall be operative to effect the rights of *bona fide* occupants, or their assignees, who may have improved the same.

Minimum price of school lands

SEC. 8. The terms of payment on the sale of the lands mentioned in the preceding section shall be:—for pine timber lands, the whole amount; for other timber lands, which are mostly valuable for the timber thereon, seventy-five per cent. to be paid at the time of sale, and for all other lands fifteen per cent. of the purchase money must be paid at the time of sale, and the balance of the purchase money at any time thereafter, from time to time within twenty years, at the option of the purchaser, with interest annually in advance at the rate of seven per cent. per annum on the unpaid balance, payable on the first day of June or within six days thereafter each and every year.

Terms of payment of lands

SEC. 9. At the time of the sale of any such lands, the commissioner shall make out and deliver to the purchaser or purchasers thereof a certificate, in which the said commissioner shall certify the description of the lands sold, the quality thereof, and the price per acre, the consideration paid and to be paid therefor, and the time and terms of payment. Such certificate shall be numbered and made assignable.

To deliver to purchaser certificate of sale—what to contain

SEC. 10. The said certificate shall further set forth, that in case of non-payment of the annual interest, due by the first day of June, or within six days thereafter, in each and every year by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall, from the time of such failure, be utterly void and of no effect, and the said commissioner may take possession thereof and re-sell the same as hereinafter provided.

Forfeiture in case of non payment of interest

SEC. 11. The said commissioner shall, whenever in his opinion the interests of the State will not be secured

When further security may be required

by the terms of payment in this act required to be made at the time of the purchase, require of the purchaser such further security for the payment of moneys to become due, and payable according to the terms of the certificate of purchase, as in his judgment will secure the respective funds against loss.

When Governor shall cause patents to be issued

SEC. 12. The Governor of the State shall sign and cause to be issued, patents for the said lands as described in the certificates of sale, whenever the same shall be presented to him, with the further certificate of the commissioner endorsed thereon, that the whole amount of principal and interest specified therein has been paid according to law; and that the holder of the certificate of purchase is entitled to a patent of the lands described therein; and the Governor shall in like manner, sign and cause to be issued patents of said land to any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, upon the presentment to him of the certificate of the commissioner that the whole amount of principal and interest due thereon has been paid according to law, and that such purchaser at execution or mortgage sale is entitled to a patent for the land described in such certificate.

What to be deemed trespass

SEC. 13. The fee of each and every parcel of said land shall be, and remain in the State until patents are issued for the same respectively, upon full payment as aforesaid, and in case of non-compliance by the purchaser, his heirs or assigns, with the terms of the certificate as aforesaid, or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands, after a failure to comply with the terms of the certificate as aforesaid, or with such provisions of law as aforesaid, without a written permission of the commissioner of the State land office, shall be deemed and held to detain such land forcibly and without right, and to be trespassers thereon.

Power of Commissioner where security taken for purchase money

SEC. 14. In all cases where security has been taken for the purchase moneys pursuant to the provisions of the eleventh section of this act, the commissioners shall have power to sue for and recover all such sums as may have become due and payable for which such security was given.

SEC. 15. Whenever the interest of the State will be

promoted in the opinion of the commissioner, by laying off any portion of the land under his control into small parcels or village lots, the said commissioner may cause the same to be done and shall cause the same to be appraised as provided in the sixteenth section of this act.

When lands may be laid off into village lots

SEC. 16. The appraisers provided for in this act shall be appointed as follows, viz:

One by the commissioner of the State land office, and the other two by the county commissioners of each county in which lands are to be appraised or sold. Such appraisers shall, before entering upon their duties of office take, and subscribe an oath or affirmation before some person qualified to administer oaths, that they will faithfully and impartially discharge their duties as appraisers according to the best of their ability, and that they are not interested directly or indirectly in any of the school lands or the improvements thereon, and have 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 appraisal as hereinafter provided. Said appraisers shall be allowed as compensation for their services and expenses, two dollars per day to be paid out of the State treasury.

Appointment of appraisers—how appointed—compensation

SEC. 17. All parcels or lots so appraised shall be subject to sale in the same manner and upon the same terms and conditions, and the certificates of purchase shall have the same effect as in the case of other lands for which provision is made in this act, at the prices at which the same were severally appraised, until a new appraisal shall be made, which the commissioner may, in his discretion cause to be had, in the manner aforesaid, and with the like effect; but no lots or parcels so appraised shall be sold for less than the minimum price of said lands, established in this act.

Lands to be sold at appraisal | prices

SEC. 18. Certificates of purchase issued pursuant to the provisions of law, shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejection or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Certificates of purchase may be recorded

All moneys to be
paid into the
State treasury

SEC. 19. All moneys received for any lands belonging to this State, shall be paid into the State treasury, as well the original purchase money as all subsequent payments, and for the amount paid, the treasurer shall give his receipt, which shall be countersigned by the auditor, and a statement of all such payments shall be transmitted to the commissioner of the land office by said treasurer, on or before the first Monday in each month, stating explicitly to which fund each entry belongs, and designating between principal and interest.

Redemption of
the rights of pur-
chaser

SEC. 20. In all cases where the rights of a purchaser shall have become forfeited under the provisions of this act, by failing to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns, shall before the time appointed for the sale of the lands described in such certificate at public auction, pay to the State treasurer double the amount of interest then due and payable on such certificate, and all costs which shall have been incurred in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns; and said certificate, from the time of such payment, shall be in full force and effect as if no such forfeiture had occurred.

Price of unim-
proved forfeited
lands

SEC. 21. The unimproved forfeited lands shall continue at the minimum or appraised value per acre, as established in this act.

May lease im-
proved lands

SEC. 22. The commissioner of the land office may from time to time lease, for terms not exceeding one year, and until the same are disposed of according to law, any of the lands belonging to the State, that shall have improvements upon them: *Provided*, That in leasing said lands, the owner and occupant of such improvements shall have the preference, and shall not be required to pay as rent more than five per cent. of the appraised valuation on the number of acres of his improvements, and such leases shall contain proper covenants to guard against trespasses and waste: *Provided*, That no rent shall be charged upon unimproved school lands until the same shall have been appraised.

When may cause
survey of lands
to be made

SEC. 23. Whenever it shall appear to the commissioner necessary, in order to ascertain the true boundaries of any tract or portion of the lands mentioned in this act, or to enable him to describe or dispose of the same in suitable and convenient lots, he may cause all such necessary

surveys to be made; and the expenses thereof shall be paid out of the State treasury as other incidental expenses of the land office are paid.

SEC. 24. The commissioner shall immediately transmit to the auditor of each county in which any lands mentioned in this act may have been sold during the year, a detailed description of each parcel of the land so sold, the names of the purchasers, distinguishing between university and school lands, and the auditor shall extend the same upon his tax duplicate for the purpose of taxation the same as other lands.

To transmit detailed description of lands sold during the year, to county auditors

SEC. 25. Whenever the commissioner shall lay off any tract of land into small parcels or village lots, as provided in this act, he shall cause a correct map of the same to be entered of record in the county where said lands may be situated.

Where maps may be recorded

SEC. 26. The registers of deeds of the several counties of this State are authorized to record all patents issued by the Governor pursuant to the provisions of this act, and the record thereof, shall have the same effect as the record of other conveyances executed according to the laws of the State.

Register of Deeds to record all patents

SEC. 27. The necessary incidental expenses of the land office, shall be paid out of the State treasury, and upon satisfactory vouchers therefor, the State Auditor shall issue his warrant for the same.

Incidental expenses how paid

SEC. 28. In case of any sale made by mistake, or not in accordance with law, or obtained by fraud, the same shall be void, and the certificate of purchase issued thereon shall be of no effect, but the holder of such certificate shall be required to surrender the same to the commissioner who shall, except in cases of fraud on the part of the purchaser, cause the money to be refunded to the holder thereof.

When sale to be void

SEC. 29. All sales of land made by the commissioner of the land office, shall be made for specie or anything made a legal tender by the laws of the United States.

Payment to be made in specie

SEC. 30. The legal assignees of all *bona fide* purchasers of any of the lands mentioned in this act, shall be subject to and governed by the provisions of law applicable to the respective purchasers of whom they are the assignees, and they shall have the same rights, in all respects as original purchasers of the same class of lands.

Who to have same rights as original purchasers

SEC. 31. All sales of land by the commissioner shall

How sales of land
to be made

be made according to the sub-divisions thereof by the United States surveys, unless the same shall have been laid off into smaller lots as provided in this act: *Provided*, That no lands shall be sold in larger quantities than one-quarter section.

To whom moneys
paid arising from
trespass

SEC. 32. All damages recovered for any trespass or other injury upon or to any of the lands mentioned in this act, shall be paid over to the State treasurer for the benefit of the fund to which the same may properly belong.

Penalty for com-
mitting trespass

SEC. 33. Every person who shall commit any wilful trespass upon any of the lands owned or held in trust or otherwise by this State, either by cutting down or destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or who shall injure or remove any building, fences, improvements or other property belonging or appertaining to said lands, or shall aid, direct or countenance such trespass or other injury, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars, or both such fine and imprisonment, in the discretion of the court.

On what may
grand juries be
charged

SEC. 34. It shall be the duty of every court having jurisdiction of the same, specially to charge the grand jury, at each term of such court, to inquire into all offenses against the provisions of this act, and present any person who may be guilty of any such offense within their county.

Penalty for com-
mitting trespass
on lands held in
trust

SEC. 35. Any person who shall commit any trespass upon any of the lands owned or held in trust, or otherwise, by this State, shall be liable in treble damages, in an action of trespass, to be brought in the name of the people of this State, if such trespass shall be adjudged to have been wilful, and single damages only shall be recovered in such action, if such trespass shall be adjudged to have been casual and involuntary.

Liability for hold-
ing lands contra-
ry to any written
agreement

SEC. 36. In case any person shall hold or continue in possession of any of the lands mentioned in this act, contrary to the conditions or covenants of any lease or written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action or actions for the recovery of possession of such lands, and damages for the detention of the same.

SEC. 37. The county attorneys of the several counties shall promptly report to the commissioner, all trespasses committed upon any of said lands which may come to their knowledge, and shall when directed by the commissioner, prosecute all actions for any trespass or injury thereto, or for the recovery of possession thereof, or otherwise.

County Attorney
to report all tres-
passes committed

SEC. 38. It shall be the duty of each of said county attorneys, whenever requested by the commissioner, to advise with and give their opinion upon all questions of law which may be submitted to them by said commissioner, relating to the duties of his office, without unnecessary delay and without charge to the commissioner or to the State.

County Attorney
may give opinion
upon all ques-
tions of law

SEC. 39. The purchasers of any of the lands mentioned in this act, their assigns, agents or attorneys, may pay to the treasurer of the county in which such lands lie, any amount which may be due from time to time on their several certificates, either for principal interest or penalty, and for the amount so paid, the said county treasurer shall give to such person his receipt specifying the amount paid, date of payment, whether for principal, interest or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the auditor of said county, and when so given and countersigned shall have the same force and effect as if given by the State treasurer.

Money on pur-
chase certificate
may be paid to
county treasurer

SEC. 40. Before any county treasurer shall receive moneys authorized to be paid to him by the preceding section, he shall execute and give to the State a bond with good and sufficient sureties, in an amount to be fixed by the commissioner of the State land office, not less than double the sum liable to come into his hands by virtue of this act, which bond shall be conditioned for the honest and faithful discharge of all trusts and responsibilities imposed by this act; the sureties to be approved by the judges of probate and registers of deeds of their respective counties.

To give bond for
faithful discharge
of duty

SEC. 41. That the said county treasurer shall in each and every case issue duplicate receipts for all moneys received by him under the provisions of this act, one of which he shall without delay deposit with the county auditor.

May issue dupli-
cate receipts

Duty of County
Auditors

SEC. 42. The county auditor, on receiving any such duplicate receipt, shall note on the back of each the date of receiving the same, and shall also enter in a book to be procured by him, at the expense of the county, the amount for which each of such receipts was given, and whether the same was for principal interest or penalty, or either, specifying the amount of each, the number of the certificate on which the same was paid, the name of the person to whom the same was issued, the name of the fund to which the money belonged, and the date of each receipt; and on the first Monday of each and every month the said auditor shall carefully enclose and forward all such duplicate receipts to the commissioner of the State land office as he shall direct.

Commissioner to
file bond of County
Treasurer

SEC. 43. The commissioner of the State land office shall transmit to each county treasurer to whom moneys may be paid under this act, a blank bond with the penal sum fixed as provided in the fortieth section of this act, which bond the said treasurer shall execute and procure to be approved as hereinbefore provided, and return the same without unnecessary delay to the said commissioner, who shall file and carefully preserve the same in his office.

When Commis-
sioner to trans-
mit statement to
County Treasur-
ers—what to con-
tain

SEC. 44. On or before the first day of May in each and every year, the commissioner shall cause to be made out and shall transmit to such county treasurers as have filed their bonds with him properly executed and approved, a statement showing the classes of land sold in that county, the number of the certificates of purchase, the name of the person to whom each certificate was issued, and the amount of both principal and interest due on each, on the first day of June; and the said commissioner shall also transmit such directions and instructions and blanks, as shall enable the county treasurer to carry out the provisions of this act.

Money to be held
subject to the or-
der of State
Treasurer

SEC. 45. All moneys received by the county treasurer under the provisions of this act, shall be held at all times subject to the order and direction of the State treasurer, for the benefit of the funds to which such moneys respectively belong; and on the first day of August in each year, and at such other times as he may be requested so to do by the said State treasurer, each county treasurer shall pay over to the said State treasurer all moneys he may have received on account of such fund.

SEC. 46. Whenever in the opinion of the commissioner it will be for the interest of the people of this State that an appraisal of any of the school lands mentioned in this act or of the improvements upon the same should be made, it shall be his duty to appoint an appraiser in the county in which the lands to be appraised are situated, and to notify the county commissioners of said county to appoint two appraisers, and thereupon the said county commissioners shall, within ten days appoint such appraisers, and said appraisers shall proceed to appraise such lands and the improvements thereon, if any, as the commissioner may direct, and the valuation of such lands and improvements shall be separately made and stated in the appraisal, and the minimum price established by such appraisal shall be the minimum for such lands until changed by a subsequent appraisal; but no lands shall be sold for less than the minimum price established by this act: *Provided*, That not less than fifty thousand acres nor more one hundred thousand acres of school lands shall be so appraised and offered for sale, as provided for in this act, on or before the first day of November, A. D. 1862.

When may order appraisal of lands—
—who to be appraisers

SEC. 47. Before any sale at auction shall be allowed of any of the lands mentioned in this act, the commissioner of the land office shall cause notice of the time and place of such sale to be published in one newspaper in each county in which such lands are to be sold: *Provided*, That if there is no newspaper published in the county, the same shall be published in some newspaper printed in the State having general circulation in such county, for eight successive weeks before said sale, and said notice shall describe the lands by their legal subdivisions, and by said description shall they be sold: *Provided*, That the price paid for such publication shall not be greater than ten cents for each description for the whole time of publication.

Publication of notice of sale of lands

SEC. 48. The surveys on file in the surveyor general's office are hereby adopted as the basis upon which will be accepted the swamp lands granted to the State by act of Congress of March 12th, 1860.

Swamp lands—
basis of survey

SEC. 49. It shall be the duty of the commissioner of the land office, to remove from any lands belonging to this State, any and all persons who have since the first day of January, one thousand eight hundred and sixty-one, en-

When settlers on school lands may be removed

tered upon or made a settlement upon any of the lands belonging to this State, without authority of law, or who may hereafter enter upon the lands aforesaid without such authority, with intent to improve or occupy any part thereof, in the same manner as is provided by law for the removal of trespassers upon the lands of private individuals.

Improvements on
lands to be ap-
praised—how
paid

SEC. 50. If any person or persons shall purchase any of the lands mentioned in this act, upon which other parties have made improvements, they shall be required to pay the owner of said improvements their appraised value as provided for in this act, one half to be paid at the time of sale, and the balance within six months thereafter, with interest at seven per cent. per annum: *Provided*, That in appraising improvements upon any of the lands aforesaid, the appraisers shall take into consideration and shall deduct from the value of said improvements any waste or damage to the said lands by the parties making the improvements or occupying the lands.

Perpetual school
fund

SEC. 51. 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 other means whatever.

Current school
fund

SEC. 52. All moneys received as interest on such permanent fund, or rents of leased lands or penalties, shall constitute the current school fund of the State, and shall be distributed semi-annually as directed by law.

Funds how to be
invested

SEC. 53. All moneys received from the sale of any of the lands mentioned in this act, or interest accruing from such sales, shall be paid into the State treasury, and the purchase money so received, may be invested in Minnesota eight per cent. bonds, or United States bonds, and the State treasurer is hereby required on the first day of September in each year, to place to the credit of the respective funds, the interest so accruing on said loan, and pay over the same as directed by law.

Repeal of former
acts

SEC. 54. That chapters thirteen and fourteen of the session laws of 1861, and all other acts or parts of acts inconsistent with this act, are hereby repealed.

SEC. 55. This act shall take effect and be in force from and after its passage.

Approved March 10th, 1862.