

CHAPTER LXV.

*An Act authorizing the Attorney General to commence suit on behalf of the State in certain cases, and appropriating moneys to defray the expenses thereof.*

- SECTION 1. Attorney-General to commence actions against persons holding any portions of school sections adversely to the State.
2. Duty of Attorney-General when notice of application to pre-empt shall be served upon him.
  3. Attorney-General to be present, when requested, in the District Court, when the same shall arise.
  4. Duty of County Attorneys.
  5. Fees of Attorney-General.
  6. Appropriation to pay witnesses and other necessary expenses.
  7. When act to take effect.

*Beit enacted by the Legislature of the State of Minnesota :*

SECTION 1. That the Attorney-General is hereby authorized and directed to institute or cause to be instituted, suits against all persons belonging or pretending to hold any portions of any of the school sections of this State adversely to the State, whenever in his opinion, such actions can be sustained.

Attorney General to commence actions against persons holding any portions of school sections adversely to the State

SEC. 2. Whenever notice of any application to pre-empt any portions of the school sections of this State under and by virtue of the provisions of the joint resolution of Congress entitled "A resolution relative to sections sixteen and thirty-six in the Territories of Minnesota, Kansas and Nebraska," passed March 3rd, 1857, shall be served upon the Attorney-General, it shall be his duty, either personally, or by the county attorney of the county where such application is made, to cause an appearance to be entered on behalf of the State, and to cause to be subpoenaed all necessary witnesses on behalf of the State, and to take such measures in the premises as will, in his opinion, best promote the public interest.

Duty of when notice of application to pre-empt shall be served upon him

SEC. 3. It shall be the duty of the Attorney-General to appear in the district courts of the State, in all criminal cases, when requested by the county attorney

To be present when requested in court when the same shall arise

of the county in which the same shall arise, and in civil causes in which the State is interested, whenever, in his opinion, the public interest shall require it.

**Duty of county attorney**  
**SEC. 4.** It shall be the duty of the county attorneys of this State, whenever requested by the Attorney-General to appear for the State in their respective counties, in any cause instituted by him, or before the land offices, in any case of applications to pre-empt or locate any of the public lands claimed by this State, or to assist him in the trial and preparation of any such case.

**Fees of Attorney General**  
**SEC. 5.** The fee of the Attorney-General for attendance upon courts shall be the same as provided by chapter twenty-one of the session laws of 1854, to wit: Five dollars per day for each day actually in attendance, and going to and returning from such court, and ten cents per mile travel going and returning, to be computed from the capital, the same to be paid upon the certificate of the presiding judge.

**Appropriation—for what**  
**SEC. 6.** The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, as a contingent fund for the payment of witnesses, court fees and other necessary expenses and mileage, and per diem of Attorney-General as herein provided, subject to the order of that officer.

**SEC. 7.** This act shall take effect and be in force from and after its passage.

Approved March 3, 1864.