

(\$125,000) payable at not more than twenty years from the date thereof, and bearing interest at the rate of not more than eight per cent. per annum, semi-annually.

SEC. 2. This issue of bonds is granted for the express purpose of retiring a part of the whole amount of bonds issued by the Minneapolis Gas Light Company February first (1st), *Anno Domini* one thousand eight hundred and seventy-seven (1877), and for no other purpose whatever. Said bonds having been issued by authority and in accordance with the act of the legislature of the State of Minnesota, approved in January, one thousand eight hundred and seventy-seven (1877.)

SEC. 3. No bonds shall be issued under this act unless simultaneously with such issue a like amount of bonds issued February first (1st) one thousand eight hundred and seventy-seven (1877) be cancelled and destroyed, and when such cancellation and destruction of any bonds takes place, then the bonds issued in lieu thereof, and under and by authority of this act, shall have the same legal force and be entitled to assume and be in all respects as a part or portion of the original issue of February first (1st), *Anno Domini* one thousand eight hundred and seventy-seven (1877), and as such be entitled to all the rights and privileges and equity of such original or first issue, and the mortgage created to secure such first issue of bonds as recorded in the office of the register of deeds of Hennepin county, State of Minnesota, in book forty-three (43) of mortgages, pages five hundred and seventy-one (571) and five hundred and seventy-two (572), shall stand in full force and effect as pertaining to all bonds authorized and licensed under this authority, and not otherwise. The true and only object of this act being to permit the retiring of the first issue at a less rate of interest to the Minneapolis Gas Light Company.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

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## CHAPTER 126.

AN ACT TO AUTHORIZE THE TOWNS OF SPRING HILL, LAKE HENRY AND LAKE GEORGE IN THE COUNTY OF STEARNS, TO ISSUE BONDS TO RAISE MONEYS TO OBTAIN WHEAT FOR SEED FOR THE USE OF THE INHABITANTS OF SAID TOWNS.

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

SECTION 1. That the towns of Spring Hill, Lake Henry and Lake George, in the county of Stearns, and each of them, is hereby authorized separately to create, issue and sell the bonds of said

towns as herein provided, to raise moneys to supply wheat for seed to the sufferers from the ravages of grasshoppers therein. The amount of bonds so issued in each town shall in no case exceed six thousand dollars (\$6,000.); *Provided*, That none of said towns shall issue any bonds under authority of this act until the question of such issue shall have been submitted to and approved by the legal voters of each town respectively in the manner substantially as hereinafter prescribed. And the issue of such bonds shall pledge the faith of the town issuing the same for the payment of the principal and interest of such bonds, according to the tenor thereof.

SEC. 2. For the purpose aforesaid, and of carrying out the provisions of this act, a special town meeting is hereby authorized to be called and held in each of said towns, in the manner now provided by law for calling and holding special town meetings.

SEC. 3. At each of said special town meetings three (3) electors shall be chosen by a majority of all the electors present to carry out the provisions of this act. Each of the electors so chosen shall within ten (10) days after such election, and before entering upon the duties of his office and trust, take and subscribe an oath before any officer authorized to administer oaths to the effect that he will perform faithfully all the duties of his office and trust. They shall also enter into a bond in the penal sum of ten thousand dollars (\$10,000), payable to the town wherein elected, with sufficient sureties, to be approved by the town board thereof, conditioned that they will properly use, account for and pay over any and all moneys that may at any time come into their hands or under their control by virtue of their office, and that they will faithfully perform all the duties pertaining to their trust. Said electors, so qualified, shall constitute the executive committee of the town.

SEC. 4. If at any time a vacancy should occur in the executive committee, or if an elector should fail to qualify as aforesaid, a special town meeting shall be called and held, and such vacancy filled by an election in the manner aforesaid, and the elector so elected shall qualify as herein directed.

SEC. 5. All bonds shall be issued by the town board, on the order of the executive committee, in such sums and at such times as said committee may direct, and shall in all cases be signed by the supervisors and countersigned by the clerk of the town. Said bonds shall bear interest at a rate not exceeding twelve (12) per cent. per annum from date until paid, and shall be payable in not less than one (1) nor more than three (3) years from the date thereof, as said committee shall order. All interest shall be payable annually.

SEC. 6. The executive committee shall have the sole power to negotiate and sell all bonds and deliver the same, but no sale shall be made of any bonds issued under and by virtue of this act for less than the face thereof.

SEC. 7. It shall be the duty of the executive committee of each town to purchase wheat as they may see fit with the proceeds of the sale of any bond or bonds, and at their discretion, to deliver

the same or any part thereof to persons making application therefor as herein directed, but at such price or prices, and on such terms and conditions as they may see fit. In determining the terms of delivery of wheat for the seed to applicants, the executive committee shall fix such price or prices, and such terms and conditions as in their judgment will protect and reimburse the town and eventually pay the amount due on the bonds issued, together with the costs and expenses of carrying out the provisions of this act, and no more.

SEC. 8. Applications for wheat for seed under the provisions of this act, shall be made to the executive committee, and every person making application therefor shall take and subscribe an oath or affidavit, before any officer duly authorized to administer oaths, to the effect that he desires the same for the purpose of seed wheat, and for no other purpose, and that he will not sell or dispose of the same, nor any part thereof in any manner whatsoever, but use the same for the purpose of seeding his ground, and for no other purpose whatsoever. Such affidavit or oath shall also contain a true and complete description of the government subdivision or subdivisions upon which the party intends to sow the wheat for which he applies.

SEC. 9. Every applicant for wheat for seed shall at the time of receiving the same, execute and deliver a note or contract for the price or value thereof as fixed by the executive committee, stating the amount of wheat received, the terms of the loan or purchase, and the time and manner of payment, the same to be payable to the executive committee for the use of the town; but said note or contract shall not be negotiable nor in any manner transferable.

SEC. 10. The wheat delivered by the executive committee shall be the property of the town until the same is deposited in the ground by the applicant, and shall not be subject to levy or sale on execution, attachment or other process against the applicant.

SEC. 11. If after receiving wheat for seed any applicant shall attempt to remove or dispose of the same, or make any use thereof in violation of any of the terms of his contract, or shall suffer the same to be done, the executive committee are hereby authorized to take possession of all such wheat and sell and dispose of the same for the use of the town.

SEC. 12. It shall be the duty of the executive committee to file with the proper town clerk a true and correct copy of every note or contract taken by them, together with a true and correct copy of the oath or affidavit of such applicant, and upon filing copies of each of these, the town shall acquire a just and valid lien upon all the wheat raised from said seed wheat, or raised from any seed wheat upon the subdivision or subdivisions of land described in the applicant's affidavit delivered to the committee, in accordance with the provisions of section eight (8) of this act, to the amount of such contract and interest thereon, against all creditors, purchasers, or mortgagees in good faith or otherwise, as well as against the owner. The filing of a copy of such contract and affi-

davit, shall be valid notice to all parties of the existence of said lien, and shall continue to be such notice until one year after the said contract is due, if not paid at maturity.

SEC. 13. The town clerk of each of said towns shall at all times receive from the executive committee of his town, copies of any contract and affidavit mentioned in the preceding section, and file and enter the same in the same manner as is by law required in case of chattel mortgages, and he shall receive the same fees therefor.

SEC. 14. The executive committee shall keep, in a proper book for that purpose, an accurate account of all moneys received and paid out by them, and also of all their doings and proceedings as such committee, which book shall at all times be open to public inspection.

SEC. 15. The executive committee shall receive the actual expense and disbursements incurred in performing the duties imposed upon them by this act, and for their services the further sum of one dollar and fifty (\$1.50) cents per day for each day actually employed.

SEC. 16. All payments, whether upon contracts or otherwise, shall be made only to the executive committee, or a member thereof.

SEC. 17. The executive committee shall collect at maturity all moneys due under or by virtue of contracts executed by applicants for wheat for seed; and all suits brought for violation of the terms of any such contract or otherwise, shall be brought in the name of the town by the executive committee.

SEC. 18. It shall be the duty of the executive committee to keep safely all moneys received by them under or by virtue of contracts made by applicants for wheat or otherwise, and apply the same to the payment of the bonds issued by virtue of this act, and not otherwise.

SEC. 19. If the moneys collected as aforesaid are not sufficient to pay the full amount of all bonds issued and interest thereon according to their tenor, it shall be the duty of the executive committee to notify the county auditor in writing the probable amount of such deficiency, and the auditor shall assess the personal property and real estate of such town for the amount so named as a special tax, and such special tax shall be collected at the same time and in the same manner as other town taxes are collected.

SEC. 20. A copy of this act shall be filed in the office of the town clerk of each of the towns herein named.

SEC. 21. This act shall be in force from and after its passage.

Approved February 1, 1878.