

JOINT RESOLUTIONS.

NUMBER 1.

A JOINT RESOLUTION AMENDING AND CONSTRUING JOINT RESOLUTION NUMBER THIRTY-FOUR (34) OF THE LEGISLATURE OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), ENTITLED JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF AN AGENT TO PROSECUTE CERTAIN CLAIMS AGAINST THE UNITED STATES.

WHEREAS, The legislature of one thousand eight hundred and seventy-four (1874), passed the following joint resolution, to-wit:

“WHEREAS, The government of the United States in receiving this state and certain other western states into the union, stipulated in their several acts of admission to pay them five (5) per cent. upon the sales of the public lands situated therein, the consideration therefor being non-taxation of public lands, non-interference with the primary disposal of the soil and no discrimination against non-resident tax payers; and

“WHEREAS, Large bodies of the public lands in this and other states have been located with military land warrants issued by the United States, or set apart by the United States for permanent Indian Reservations or for other purposes on which said five (5) per cent. has not been paid; and

“WHEREAS, Such disposal of said lands of the United States has in many cases not been a donation, but virtually a sale for which the United States has received a consideration in the way of military services rendered or otherwise, while the states have received no benefit, but suffered injury; and

“WHEREAS, In the opinion of officials and citizens of various states interested, these premises constitute a reasonable ground for the presentation of a claim against the United States for five (5) per centum of the cash value of the lands so disposed of, which claim if its validity shall be established in congress or in the courts will yield a large sum of money to the internal improvement fund of this state; therefore

Resolved by the Legislature of the State of Minnesota:

That the Governor be and he is hereby authorized and empowered to appoint an agent or attorney to co-operate with the agents or attorneys of other states appointed for a like purpose in presenting and prosecuting said claim against the United States stipulating with said agent or attorney for a reasonable compensation for his services, which compensation, however, shall by such stipulation only be paid in case of successful issue of said prosecution, and only out of the moneys realized from the payment of said claim and not otherwise.

“Approved March 9, 1874.”

AND WHEREAS, Thereafterwards on the ninth (9th) day of November A. D. one thousand eight hundred and seventy-five (1875), the Governor of the state pursuant to said joint resolution did enter into a contract with general John B. Sanborn, in the words and figures following, to-wit:

To General John B. Sanborn.

You are hereby appointed agent of the State of Minnesota for the purpose expressed in joint resolution number 34, session laws 1874, p. p. 313-314.

As compensation for the services to be rendered by you, you will receive fifteen (15) per centum of the amount actually realized and collected as the result of your services in all services contemplated by said resolution which are disputed or contested by the United States and five (5) per centum only of the amount actually realized and collected as the result of your services, in all cases not disputed or contested by the United States.

It is expressly understood that the rate of compensation herein provided for may be subject to modification by the next legislature of this state.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state to be affixed on this ninth (9th) day of November, A. D. one thousand eight hundred and seventy-five (1875).

[Signed.] C. K. DAVIS,

[Great Seal of Minnesota.] Governor.

BY THE GOVERNOR,
S. P. JENNISON,
Secretary of State.

I hereby accept the above appointment upon the terms and conditions therein specified.

[Signed.] JOHN B. SANBORN.

Attest:
[Signed.] A. COLEMAN MACY.

AND WHEREAS, The Governor of the State in his annual message to the legislature in one thousand eight hundred and seventy-five (1875), communicated the terms and conditions of said contract to the legislature and no amendment or modification thereof was proposed or made thereto and the claim of the state to five (5) per cent. of the mini-

num price of the public lands included in permanent Indian Reservations in Minnesota has been disputed and resisted by the United States and prosecuted by said agent of the state to a point where it is now conceded that the state is entitled to five (5) per cent. of the proceeds of all such lands as are sold by the United States and an account has been stated showing that under said decision the state was entitled to. Congress has appropriated, and has received thirty-seven thousand two hundred and three dollars and fifty-seven cents (\$37,293.57) and the Governor has retained therefrom fifteen (15) per cent. of the same as compensation for said agent under said contract and the attorney general has expressed the opinion that it is not competent for the Governor to make said compensation under the joint resolution of one thousand eight hundred and seventy-four (1874), nor without further authority from the legislature.

Therefore be it resolved by the Legislature of the State of Minnesota:

That the Governor of the State of Minnesota be and hereby is authorized and empowered to carry into effect and full execution the contract made by and on behalf of the state under said joint resolution thirty-four (34) of the year one thousand eight hundred and seventy-four (1874) and to make compensation to the agent therein provided for according to the terms of said joint resolution and of the said contract entered into pursuant to the authority and power therein granted out of the funds in said joint resolution specified before depositing the moneys so collected in the state treasury.

Approved February 20, 1883.

NUMBER 2.

JOINT RESOLUTION AUTHORIZING THE STATE AUDITOR TO ISSUE A WARRANT FOR PAYMENT OF THE AMOUNT AUTHORIZED TO BE EXPENDED UNDER CHAPTER ONE HUNDRED AND SEVENTY (170) SPECIAL LAWS OF THE EXTRA SESSION OF EIGHTEEN HUNDRED AND EIGHTY-ONE (1881).

THAT WHEREAS, It appears that one F. Miller has constructed a bridge across the outlet of Buffalo Lake and that said bridge is completed in accordance with the terms of said act; and

WHEREAS, It appears that Mons Monson, Frank Washburn and Charles Homer, the commissioners named in said act to report to the State Auditor have neglected and failed to make said report,

Therefore, the State Auditor is authorized to issue a warrant to the treasurer of Renville county for the amount appropriated in said act without having the report of said commissioners, to be disbursed by said treasurer in accordance with the provisions of said act.

Approved March 5, 1883.