

CHAPTER 4.

[S. F. No. 6.]

AN ACT TO FURNISH SEED GRAIN FOR DISTRIBUTION IN CERTAIN COUNTIES AFFLICTED BY FROST OR BLIGHT, OR HAIL, DURING THE SEASON OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-EIGHT (1888), TO PROVIDE FOR THE REPAYMENT THEREOF, AND TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF SUCH COUNTIES TO ISSUE BONDS FOR THE PAYMENT THEREOF.

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

SECTION 1. It is hereby made the duty of the county auditors respectively of the counties of Otter Tail, Hubbard, Becker, Clay, Norman, Polk, Marshall, Kittson, Beltrami and Wadena, or any other county in the state of Minnesota wherein the crop of the year one thousand eight hundred and eighty eight (1888) was partially or wholly destroyed by frost, or blight, or hail, to give notice before the fifteenth (15th) day of February, A. D. one thousand eight hundred and eighty-nine (1889), to the respective town clerks of the several towns of said counties to post notices immediately in at least three (3) of the most public places in each town to all persons wishing to avail themselves of the benefits of this act to meet at the town clerk's office in the town, and file with said town clerk on or before the first (1st) day of March, A. D. one thousand eight hundred and eighty-nine (1889), an application duly subscribed and sworn to by the applicant before the said town clerk.

Duties of county auditors to give notice—
Town clerks to post notices.

Said application shall contain a true statement of the number of acres the applicant has plowed and prepared for seeding for the ensuing season's crop; how many acres the applicant intends to have plowed and prepared for such seeding before seeding time; how many bushels are necessary and of what kinds of grain to seed the ground so prepared, and also that said applicant's crop was, in the year one thousand eight hundred and eighty-eight (1888), entirely destroyed by frost or blight or hail, as the case may be, or if only partially destroyed, the extent of such destruction, and how many bushels of each kind of grain the applicant harvested in said year one thousand eight hundred and eighty-eight (1888), also what amount of said grain, and of what kind the applicant desires to borrow from the state; that the applicant has not procured and is not able to procure the necessary seed grain, and that he desires the same for seed grain and for no other purpose, and will not sell or dispose of the same or any thereof.

Applications,
form of.

To contain list of real and personal property.

Said application shall also contain a true and full description of all real and personal property owned by the applicant, and the incumbrances, if any, thereon, and the full description by government subdivisions of the land upon which the applicant intends to sow said seed grain.

Town clerks to forward applications to county auditors.

SEC. 2. The town clerk of each town shall on or before the first (1st) day of March, A. D. eighteen hundred and eighty-nine (1889), forward all applications made before him to the county auditor of his county, who shall file the same in his office. All applications filed in any county auditor's office under the provisions of this act shall be open to public inspection, and no applications shall be considered by the board provided for in section three (3) of this act, except such as have been made and filed within the time and in the manner prescribed in section one (1) of this act.

County commissioners a board of examination, time of meeting.

SEC. 3. The board of county commissioners of each county where the provisions of this act are applicable shall be and are hereby constituted and appointed a board of examination and adjustment of the applications for seed grain under this act, and it shall be the duty of said board to meet at the county auditor's office on the fifth (5th) day of March, A. D. eighteen hundred and eighty-nine (1889), to examine and consider separately each application as provided in section one (1) of this act, and to decide who are entitled to the benefits herein mentioned and the amount to which each applicant is entitled, and said board shall on or before the ninth (9th) day of March, A. D. eighteen hundred and eighty-nine (1889), forward to the governor a statement giving the number of applicants, the number of acres prepared, or to be prepared, and the number of bushels of each kind of seed grain needed in the county.

Statement of applications to be forwarded to Governor.

Said statement shall comprise and include only such applications as have been approved by said board, and shall be signed by the chairman of said board, and countersigned by the county auditor. Provided no one (1) applicant shall be allowed a greater amount in value of seed grain than one hundred and fifty dollars (\$150).

Governor to apportion and distribute amounts called for.

SEC. 4. The governor, upon receipt of the statements as provided in section three (3) of this act, if the same shall not exceed in the aggregate the sum of one hundred thousand dollars (\$100,000), appropriated for such purpose, shall apportion and distribute the amounts called for to the several counties for which applications are received, but if the amounts applied for shall exceed in the aggregate said sum of one hundred thousand dollars (\$100,000) then the governor shall apportion and distribute that sum to the counties applying pro rata in proportion to the amounts called for by said counties respectively, as shown by said statements of the county auditors thereof; and thereupon the governor shall inform each county auditor of the amount

apportioned to his county, and shall authorize the board of county commissioners to purchase seed grain to the amount so apportioned, and cause the same to be distributed to the applicants in said county who are entitled to receive the same under the provisions of this act.

SEC. 5. Immediately upon receiving notice from the governor of the amount apportioned to their county, the board of county commissioners shall meet at the county auditor's office, and readjust the applications in their county for seed grain, and apportion the amount that has been allowed to the county among the applicants pro rata in proportion to the amount required by each if there shall not be sufficient grain to supply all in full.

County commissioners to meet and readjust applications.

Provided, That after all applicants for said grain in any county are supplied, if there shall be a surplus the same shall be sold by direction of the board of county commissioners, and the sum received therefor shall be turned over to the county treasurer, who shall give his receipt therefor, and said sum shall thereupon be by him paid over to the state treasurer, who shall receipt for the same to said county and endorse said amount so received on the county bond of the county making such payment.

Surplus to be sold.

SEC. 6. The county auditor of each county shall, as soon as the county commissioners shall have performed the duty prescribed in section five (5), issue to each applicant an order for the number of bushels of each kind of seed grain which has been allowed to said applicant.

County auditor to issue order for amount seed.

Provided, however, that said order shall not be delivered until said applicant has signed a contract in triplicate, attested by the county auditor, to the effect that said applicant for and in consideration of _____ bushels of seed grain received from the state, promises to pay to the state of Minnesota _____ dollars, the amount of the cost of said seed grain; that said sum shall be taxable against all the real and personal property of said applicant; that such tax shall be levied by the county auditor of his county and collected as taxes against real and personal property are collected under the laws of this state, and that the sum so levied shall be a first lien upon the crop of grain raised each year by the person receiving said seed grain until said amount is fully paid.

Applicant to sign contract in triplicate.

SEC. 7. It shall be the duty of the county auditor of each county to cause the tax provided for in section six (6) to be levied against the property of each person receiving seed grain under the provisions of this act. One-half of said tax shall be levied in the year one thousand eight hundred and eighty-nine (1889), and the other half shall be levied in the year one thousand eight hundred and ninety (1890), and all moneys collected by the county treasurer under the provisions of this act shall be kept separate from other state and county taxes, and shall be paid over to the state treasurer.

County auditor to cause tax to be levied, when.

Contracts,
disposition of.

SEC. 8. The contracts provided for in section six (6) of this act shall be numbered consecutively by the county auditor, one (1) shall be filed in the office of the county auditor, one (1) shall be transmitted to the state auditor and filed in his office, and the third (3d) shall be filed in the office of the town clerk of the town where the applicant making the contract resides.

Record of contracts and schedule of applications to be kept by county auditor

The county auditor shall keep and transcribe in a book, to be used for that purpose only, said contracts and a correct list and schedule of the applications, giving the name of each applicant, the number of his application, the date of his contract, the cost of each kind of seed grain furnished to him, the description of the land occupied by him, and showing also the total amount of money furnished to said county by the state.

True copy to be sent to Governor.

A true copy of said list and schedule so transcribed shall be made and signed by the chairman of the board of county commissioners, and certified to by the auditor, and forwarded to the governor; and whenever the amount provided for in any contract filed under the provisions of this act is fully paid, the county auditor is empowered to cancel such contract, and he shall write the word "Satisfied" opposite the name of such person in the book in which said contracts are entered, and shall deliver up said contract to the person entitled thereto.

State acquires a lien upon crops.

SEC. 9. Upon the filing of the contract as provided in section eight (8) of this act, the state of Minnesota shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving said seed grain, to the amount of the sum then due to the state upon said contract, as against all subsequent creditors, purchasers or mortgagees, in good faith or otherwise, and the said filings of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

Payments for seed grain received under this act to be made as soon as crop is harvested.

Each and every person who has received seed grain under the provisions of this act shall, as soon as his crops of the year wherein payment is to be made under his said contract are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract, and pay the same over at once to the county treasurer of his county, which payment shall satisfy said lien for that year.

Persons violating provisions of contract guilty of a misdemeanor, and subject to penalty.

SEC. 10. Any person or persons who shall, contrary to the provisions of this act, sell, transfer, take or carry away or in any manner dispose of the seed grain, or any part thereof, furnished by the state as provided in this act, or who shall use or dispose of the said seed grain, or any thereof, for any other purpose than that of sowing or planting his ground, or who shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part

thereof procured by the sowing or planting of said seed grain, with the intent to defraud the state, or the applicant for such seed grain, or to deprive said applicant of the use and benefit thereof, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall pay a fine of not less than ten (\$10) dollars, nor more than one hundred (\$100) dollars, or be imprisoned in the county jail for a term of not less than ninety (90) days, and shall pay all costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall suffer the pains and penalties of that crime.

SEC. 11. It shall be the duty of the supervisors, constables and town clerks of towns, and the commissioners, sheriffs, and county attorneys of counties receiving aid under the provisions of this act, having knowledge of any violation of said provisions, to make complaint thereof to any justice of the proper county, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter in issue in the same manner as provided in other cases, and every person convicted under the provisions of this act shall stand committed to the county jail until his fine is paid, *Provided* such imprisonment shall not exceed ninety (90) days.

Duties of officers knowing of violations to prosecute.

SEC. 12. The county commissioners of each and every county receiving aid under the provisions of this act are hereby authorized and empowered to issue the bonds of such county to the state of Minnesota for the full amount of the aid received by such county, which bonds shall be payable on or before four (4) years from the date thereof, with interest at the rate of three (3) per cent. per annum, and shall be signed by the chairman of the board of county commissioners, and countersigned by the county auditor, and sealed with his seal.

Counties authorized to issue bonds to carry out provisions of this act.

Said bonds shall bear interest at the rate of six (6) per cent. per annum after maturity, and shall be delivered to the state auditor before the aid contemplated by this act is furnished by the state.

All payments made by the county treasurer to the state treasurer as in this act provided shall be endorsed and credited when made, on the bond of such county.

SEC. 13. If the said bonds are not paid before the year in which the same become due, the county auditor of the proper county shall at the time of making the annual tax levy for such year, levy an additional tax upon all the taxable property of such county for an amount sufficient to pay the sum then remaining unpaid on the bonds of his county, said tax to be levied and collected as other county taxes.

Additional tax levy to meet bonds when due.

SEC. 14. That the sum of one hundred thousand dollars (\$100,000.00) be and the same is hereby appropriated out

Appropriation.

of any moneys in the state treasury not otherwise appropriated for the purpose of this act.

When act to
take effect.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 15, 1889.

CHAPTER 5.

[S. F. No. 332.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FURNISH SEED GRAIN FOR DISTRIBUTION IN CERTAIN COUNTIES AFFLICTED BY FROST OR BLIGHT OR HAIL DURING THE SEASON OF EIGHTEEN HUNDRED AND EIGHTY-EIGHT (1888), TO PROVIDE FOR THE REPAYMENT THEREOF AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SUCH COUNTIES TO ISSUE BONDS FOR THE PAYMENT THEREOF." APPROVED FEBRUARY FIFTEENTH (15TH), EIGHTEEN HUNDRED AND EIGHTY-NINE (1889).

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

Seed grain. "

SECTION 1. Section nine (9) of the legislation of the state of Minnesota for the year eighteen hundred and eighty-nine (1889) entitled "An act to furnish seed grain for distribution in certain counties afflicted by frost or blight or hail during the season of eighteen hundred and eighty-eight, to provide for the repayment thereof, and to authorize the board of county commissioners of such counties to issue bonds for the payment thereof," approved February fifteenth (15), eighteen hundred and eighty-nine (1889), is here amended so as to read as follows:

State acquire
first lien.

SEC. 9. Upon the filing of the contract as provided in section eight (8) of this act, the state of Minnesota shall acquire a first and valid lien upon the crops of grain raised each year by the persons receiving said seed grain to the amount of the sum then due to the state upon said contract, as against all creditors, purchasers or mortgagees in good faith or otherwise, which lien shall take precedence of all other liens, and the said filings of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

Lien must be
satisfied as
soon as grain is
harvested.

Each and every person who has received seed grain under the provisions of this act shall, as soon as his crops of the years wherein payment is to be made under his said