

Prohibition
against exceed-
ing appropria-
tion.

any buildings erected by the said exposition for the display of state collective exhibits. Any state officer or officers acting under this act, who shall pledge or attempt to pledge the credit of this state beyond the sum appropriated herein, shall be deemed guilty of larceny in the sum so pledged or attempted to be pledged; and this state shall in no manner be liable in law or equity therefor; *Provided*, That no part of any money appropriated shall be paid as premiums for any exhibits.

Collections here-
before used at
New Orleans ex-
position, to be
used by board
as they may
deem available.

SEC. 9. All collections, photographs, maps, specimens, furniture or other property of the state used in the state collective exhibit at the World's Industrial and Cotton Centennial Exposition of New Orleans in one thousand eight hundred and eighty-four and five (1884-5), and now deposited in any of the state institutions, or at the experimental farm, the state fair buildings, or with the state fish commission, or at the state capitol, or elsewhere in the hands of state officers, shall be furnished to the board of world's fair managers so far as in their judgment such materials may be available for use in the exhibit contemplated by this act, such collections, specimens, etc., as above specified to be returned to said depositories after the close of the exposition; and any new collections of permanent value made by said board, and which may by this act become the property of the state, shall be distributed to and be preserved by such state institutions, societies or archives as the board shall deem most suitable, after such exchanges shall have been made with the other collections and institutions as the board may deem in the interests of science or for the benefit of this state.

SEC. 10. This act shall take effect from and after its passage.

Approved April 20, 1891.

CHAPTER 158.

[H. F. No. 49.]

AN ACT TO FURNISH SEED GRAIN FOR DISTRIBUTION IN CERTAIN COUNTIES AFFLICTED BY FROSTS OR BLIGHT OR HAIL DURING THE SEASON OF ONE THOUSAND EIGHT HUNDRED AND NINETY (1890), 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 of the counties of Traverse, Big Stone, Stevens, Lac qui Parle and Pope, respectively, in the state of Min-

nesota, wherein the crop of the year one thousand eight hundred and ninety (1890) was partially or wholly destroyed by frost or blight or hail, to give notice, before the tenth (10th) day of March, A. D. one thousand eight hundred and ninety-one (1891), to the respective town clerks of the several towns of said counties, requiring them to post notices immediately, in at least three (3) of the most public places in each town, notifying all persons wishing to avail themselves of the benefits of this act to meet at the town clerk's office and file with said town clerk, on or before the twenty-fifth (25th) day of March, A. D. one thousand eight hundred and ninety-one (1891), an application duly subscribed and sworn to by the applicant before said town clerk.

Applications for seed grain.

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 or to be prepared; and also that said applicant's crop was in the year one thousand eight hundred and ninety (1890) 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 ninety (1890); also, what amount of seed grain and of what kind of grain the applicant desires to borrow from the state; that the applicant has not procured and is not able to procure the necessary seed grain; that he desires the same for seed grain and for no other purpose, and will not sell or dispose of the same or any part thereof.

Statement to be made by applicant.

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.

Description of real estate.

SEC. 2. The town clerk of each town shall, on or before the twelfth (12th) day of March, A. D. one thousand eight hundred and ninety-one (1891), 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) in 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.

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

County commissioners to be a board of examination and adjustment.

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 seventeenth (17th) day of March, A. D. one thousand eight hundred and ninety-one (1891), to examine and consider separately each application as provided in section one (1) of this act, and to decide who are entitled to benefits herein mentioned and the amount to which each applicant is entitled; and said board shall, on or before the twenty-first (21st) day of March, one thousand eight hundred and ninety-one (1891), forward to the governor of the state of Minnesota 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. 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 applicant shall be allowed a greater amount in value of seed grain than one hundred and fifty dollars (\$150).

Appropriation of \$25,000, to be apportioned by the governor and distributed to the several counties.

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 twenty-five thousand dollars (\$25,000) 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 fifty thousand dollars (\$50,000), 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. It shall be a misdemeanor for any county commissioner to make any gain or profit from any transaction growing out of or connected with the operation of this act.

County commissioners to purchase the seed grain therefor.

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 approved by said board *pro rata* in proportion to the amount required by each, if there shall not be sufficient grain to supply all in full; *Provided*, That after all approved applicants for said grain in any county are supplied, if there be a surplus the same shall be sold by direction of the board of county

County commissioners to adjust the applications and apportion amount allowed.

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 by him be 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.

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.

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 [naming the amount and kind] received from the state, promises to pay to the State of Minnesota [naming amount] 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.

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 ($\frac{1}{2}$) of said tax shall be levied in the year one thousand eight hundred and ninety-one (1891), and the other half shall be levied in the year one thousand eight hundred and ninety-two (1892), 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 forthwith upon receipt of the same.

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 where the applicant making the contract resides.

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 land occupied by him, and showing also the total amount of money furnished to said county by the state.

Distribution of grain and contracts to pay back.

Levy of tax, one-half in 1891 and one-half in 1892.

Filing of contracts.

Auditor to keep complete record of applications, etc.

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.

Lien of state for all sums so advanced.

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.

First payment to be made as soon as grain can be threshed and marketed.

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.

Penalty for non-compliance with the terms of contracts.

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 of said seed grain, or any thereof, for any other purpose of sowing and planting his ground, or who shall transfer, take or carry away or in any manner dispose of the crop, or any part thereof, procured by 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 or 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.

Township and county officers having knowledge of violations to make complaint.

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, payable annually, and shall be signed by the chairman of the board of county commissioners and countersigned by the county auditor and sealed with his seal.

County commissioners authorized to issue bonds to reimburse the state.

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 indorsed and credited, when made, on the bond of said county.

Collections of taxes on account of seed grain to be endorsed on bonds.

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 issued as aforesaid, said tax to be levied and collected as other county taxes.

County tax to be levied if necessary to meet full payment of bonds.

SEC. 14. That the sum of twenty-five thousand dollars (\$25,000) be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of this act.

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

Approved February 24, 1891.