

## CHAPTER 166.

[H. F. No. 34.]

AN ACT TO APPROPRIATE FORTY-ONE THOUSAND DOLLARS (\$41,000) FOR CURRENT EXPENSES FOR STATE REFORMATORY FROM JANUARY FIRST (1ST), EIGHTEEN HUNDRED AND NINETY-ONE (1891), TO JULY THIRTY-FIRST (31ST), EIGHTEEN HUNDRED AND NINETY-ONE (1891), AND TO REIMBURSE FOR DEFICIT OF TWELVE THOUSAND THREE HUNDRED AND THIRTY-THREE DOLLARS AND TWENTY-FIVE CENTS (\$12,333.25) UP TO JANUARY FIRST (1ST), EIGHTEEN HUNDRED AND NINETY-ONE (1891).

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

SECTION 1. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, forty-one thousand dollars (\$41,000), made available from the date of the passage of this bill, for current expenses for the state reformatory from January first (1st), A. D. eighteen hundred and ninety-one (1891), until July thirty-first (31st), A. D. eighteen hundred and ninety-one (1891), and to reimburse for a deficiency of twelve thousand three hundred and thirty-three dollars and twenty-five cents (\$12,333.25) occurring up to January first (1st), A. D. eighteen hundred and ninety-one (1891).

State reformatory, deficiency current expenses.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1891.

## CHAPTER 167.

[S. F. No. 7.]

AN ACT FOR THE RELIEF OF JARED S. CRANDALL OF THE COUNTY OF GOODHUE.

WHEREAS, On the twenty-third (23d) day of May, A. D. one thousand eight hundred and seventy-nine (1879), Jared S. Crandall of the town of Burnside, in the county of Goodhue, state of Minnesota, then was, and for fifteen (15) years and more thentofore had been, a resident of said town and a citizen of the state of Minnesota, and the owner in fee of the northwest quarter ( $\frac{1}{4}$ ) of section number fourteen (14) in township number one hundred and fourteen (114) north of range thirty-one (31) west, in the county

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of Sibley, in said state, and so continued to be such owner until he was dispossessed of the said lands by the state of Minnesota as hereinafter set forth, upon which lands all taxes thentofore levied or assessed thereon, save and except the taxes so levied and assessed for the year one thousand eight hundred and seventy-eight (1878), had thentofore been paid; and

WHEREAS, As and for its proportion of the taxes, for all purposes, for the year one thousand eight hundred and seventy-eight (1878) there was levied and assessed upon said premises the sum of fourteen (14) dollars and sixty-one cents (61), which sum was by the said Crandall paid to the then treasurer of said Sibley county (one John Gerken), on the twenty-third (23d) day of May, A. D. one thousand eight hundred and seventy-nine (1879), and the said Gerken, as such treasurer, then and there in due form of law executed and delivered to the said Crandall his (the said treasurer's) receipt for said sum, as and for the full sum levied and assessed upon said lands for all taxes thereon for said year of one thousand eight hundred and seventy-eight (1878); and

WHEREAS, Said treasurer, notwithstanding such payment, returned said lands to the auditor of said Sibley county as delinquent for said taxes so paid; and

WHEREAS, Notwithstanding such payment, said lands were afterwards, and on the first (1st) day of August, A. D. one thousand eight hundred and seventy-nine (1879), by the district court within and for said county of Sibley adjudged to be delinquent for said taxes so levied and assessed for said year of one thousand eight hundred and seventy-eight (1878), and were afterwards, and on the fifteenth (15th) day of September in the year last aforesaid, at a sale of lands delinquent for the taxes of one thousand eight hundred and seventy-eight (1878), bid in by the state of Minnesota for the sum of sixteen dollars and thirty-one cents (\$16.31); and

WHEREAS, Afterwards, and on the thirty-first (31st) day of January, A. D. one thousand eight hundred and eight [eighty] (1880), the state assigned the interest acquired by it at said sale in and to said lands to one William F. Linderman, who afterwards, and on the twenty-fifth (25th) day of January, A. D. one thousand eight hundred and eighty-four (1884), then being the holder of the tax certificate issued upon such sale, caused a notice of the expiration of the time allowed by law for the redemption of such lands from such sale to be served by publication in a newspaper then printed and published in said Sibley county; and the said Linderman did afterwards, and on the eleventh (11th) day of June, in the year last aforesaid, convey said lands to one Sylvester Kipp and one Orrin Kipp; and

WHEREAS, Said Crandall had no knowledge or notice whatever that said lands had been so returned as delin-

quent for said taxes, nor of said pretended judgment, nor of said sale, nor of the said service of said notice of the expiration of the time allowed by law for the redemption of said lands from such sale, until the month of May, A. D. one thousand eight hundred and eighty-six (1886); but, well knowing that he had paid all taxes at any time levied or assessed upon said premises, and had thus on his part fully performed all of the duties by him as the owner of said lands owing to or required by said state, and believing, as he had a right to do, that the agents of the state in and about the collection of such taxes had performed the duties in that regard by the laws of said state required, did, before the same became delinquent, duly pay to the treasurer of said county all taxes levied or assessed upon said lands for each and every of the years one thousand eight hundred and seventy-nine (1879), one thousand eight hundred and eighty (1880), one thousand eight hundred and eighty-one (1881), one thousand eight hundred and eighty-two (1882), one thousand eight hundred and eighty-three (1883) and one thousand eight hundred and eighty-four (1884), amounting in the aggregate to the sum of ninety-four dollars and fifty-seven cents (\$94.57); and

WHEREAS, Afterwards, and on the thirty-first (31st) day of May, A. D. one thousand eight hundred and eighty-six (1886), the said Crandall did duly commence, in the district court within and for said county of Sibley, his action against said Sylvester Kipp and Orrin Kipp, the object of which action was to quiet the title of said plaintiff in and to said lands and determine the adverse claim thereof made by said defendants Kipp under said tax sale, in which action said Kipps answered, setting forth said tax sale as the basis of their alleged title to said lands; to which answer said Crandall replied, setting forth the payment as aforesaid of said tax levied and assessed upon said land for the year one thousand eight hundred and seventy-eight (1878), and claiming that by virtue of such payment said tax never became or was delinquent, and that therefore said sale was unauthorized, illegal and void; to which reply said Kipps interposed a demurrer, which demurrer was heard and argued before said court on the sixteenth (16th) day of August, one thousand eight hundred and eighty-six (1886); and said court after such hearing and argument, and on the twenty-fifth (25th) day of October, one thousand eight hundred and eighty-six (1886), made an order in said action overruling said demurrer, and holding that the court could acquire jurisdiction under proceedings to enter judgment against land for delinquent taxes only in cases where the taxes upon such lands are in fact delinquent; from which order said Kipps appealed to the supreme court of this state, in which court said action was heard and argued, and on the twenty-eighth (28th) day of April, one thousand

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eight hundred and eighty-seven (1887), said court made an order reversing said order of said district court; and

WHEREAS, In said supreme court judgment was entered in favor of said Kipps and against said Crandall for the costs and disbursements therein of said Kipps, amounting to the sum of fifty-eight dollars and sixty-five cents (\$58.65), and in said district court for the costs and disbursements therein of the said Kipps, amounting to the sum of thirteen dollars and sixty cents (\$13.60), each of which judgments has been paid by said Crandall; and

WHEREAS, The effect of such judgments is to confiscate by this state, and for its benefit, the property of said Crandall under the claim that said lands were delinquent for the taxes levied thereon for the year one thousand eight hundred and seventy-eight (1878), when in fact such taxes were paid and never became or were delinquent; and although said Crandall had fully performed all of his duty in the premises, yet his property, without his knowledge or consent, was taken and appropriated by the state, for its benefit, without making compensation therefor to him, contrary to every principle of justice and in violation of section thirteen (13) of article one (1) of the constitution of this state; and

WHEREAS, At the time said Crandall first learned that said lands had been so sold for taxes, he was, by reason of lapse of time, without remedy against either said county treasurer (said Gerken) or said county of Sibley, or any other person whomsoever, for the recovery of any damages sustained by him, said Crandall, by reason of the wrongful and unlawful acts of said treasurer in returning said lands as delinquent for the taxes of one thousand eight hundred and seventy-eight (1878); and

WHEREAS, At the time said lands were so taken from said Crandall, they were then of the value of twelve hundred dollars (\$1200); and said Crandall, in and about defending his title to said lands, has necessarily been compelled to and has, in addition to the judgments aforesaid, paid as and for attorney's fees the sum of two hundred and eighteen dollars and thirty-six cents (\$218.36):

THEREFORE, To the end that substantial justice may be done said Crandall in the premises, and as compensation made to him for his land and property so as aforesaid taken and appropriated by the state,

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

SECTION 1. That the sum of two thousand dollars (\$2,000) be and is hereby appropriated, out of any money of the state treasury, to Jared S. Crandall of the town of Burnside, in the county of Goodhue, as compensation to him as the owner of the northwest quarter of section number fourteen (14) in township number one hundred and fourteen (114) north

of range thirty-one (31) west, in the county of Sibley, which lands were taken and appropriated by the state under and by virtue of a tax sale thereof made by the state for the taxes levied and assessed thereon for the year one thousand eight hundred and seventy-eight (1878), and was so made notwithstanding the fact that said Crandall had, prior to the time when such taxes would have become delinquent, paid to the county treasurer of said Sibley county the amount of such taxes and duly taken his receipt therefor, and of which sale said Crandall had no knowledge or notice whatever, until after the time by law allowed for the redemption of said lands from such sale had expired, and until after such time as, by reason of lapse of time, he had no remedy against such county treasurer; all of which is fully set forth in the preamble to this act.

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SEC. 2. The state auditor is hereby directed to draw his warrant for the sum hereby appropriated upon the state treasurer in favor of said Jared S. Crandall.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

## CHAPTER 168.

[H. F. No. 203.]

AN ACT TO REIMBURSE THE COUNTY OF REDWOOD FOR EXPENSES INCURRED IN THE PROSECUTION OF THE MURDERERS WILLIAM ROSE AND CLIFTON HOLDEN.

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

SECTION 1. That the sum of six thousand eight hundred dollars (\$6,800) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to reimburse the county of Redwood for expenses incurred in the prosecution of William Rose for the murder of Moses Lufkin, and for the prosecution of Clifton Holden for the murder of Frank Dodge, all of said persons being non-residents of said county.

Redwood county, expenses of murder trials.

SEC. 2. The state auditor is hereby directed to draw his warrant for the sum hereby appropriated upon the state treasurer in favor of the treasurer of Redwood county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20, 1891.