

tion thereof and the county auditor has or the county auditors as the case may be or any of them have executed and filed in the office of the register of deeds the tabular statement provided for in said act, making assessments for the cost of the location, establishment and construction of the same within such county against the lands, corporations and roads benefited thereby and the time for appeals has expired and no appeals have been taken therefrom or from any such proceedings or if such appeals have been taken that the same have been determined before the passage of this act, then the said proceedings and all assessments or liens so levied or attempted to be assessed or levied for the cost of such work, including damages awarded and the bonds of any county heretofore issued in pursuance thereof, are hereby legalized and declared to be valid and in full force and effect.

**Sec. 2. Application.**—This act shall not apply to or effect any actions or appeals now pending in which the validity of such proceedings or such bonds is called in question.

Approved April 7, 1917.

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#### CHAPTER 164—S. F. No. 405.

*An act setting apart and appropriating a revolving fund of \$100,000 for the clearing of state lands, and providing for the use of such fund by the auditor in making and causing to be made such improvement on the lands owned by the State of Minnesota, as provided by Section 2 of Article 8 as amended of the Constitution of the State of Minnesota.*

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

**Section 1. \$100,000 set apart for revolving fund for clearing unsold school and swamp land.**—The sum of \$100,000 is hereby set apart and appropriated from the fund derived from the sale of school and swamp lands. The said sum of money is to be used as a revolving fund and as contemplated by the amended section 2 of article 8 of the Constitution of the State of Minnesota in clearing unsold school and swamp land.

**Sec. 2. Auditor to have charge of investment and expenditure.**—The state auditor shall have the charge of the investment and expenditure of the moneys hereinbefore appropriated.

**Sec. 3. State land improvement board to be appointed by Governor.**—The governor shall appoint a state land improvement board of three members, who shall serve without salary, but whose expense shall be paid. This board may be consulted at any time by the auditor and shall, when any land is to be improved under contract, or when any land improved under this act is to be sold, be consulted, and give their approval in writing.

**Sec. 4. Auditor to have charge of improvements and make certain appointments.**—The state auditor shall have charge of the improvements of all public lands and of the administration of this act. He shall appoint such engineers, agricultural experts, and other employes as shall be necessary for the administration of this act and determine their compensation; provided that the governor may on recommendation of the auditor require any expert work necessary in the administration of this act to be performed under the direction of the auditor by employes of other state bureaus, departments and institutions.

**Sec. 5. Auditor to determine where improvements are to be made.**—The auditor shall, from time to time, determine the townships within which the improvement of state lands shall be made and he shall at all times give preference to those lands which, in his judgment, can most successfully be used at the time for agricultural purposes; provided that unless the state land improvement board shall decide otherwise, and consent in writing, no contract shall be let for an improvement involving less than the equivalent of one section of state land within the limits of any township, unless and until the state shall have no land in such quantity which, in the judgment of the auditor, is suitable for improvement under this act.

**Sec. 6. Extent and character of improvements to be determined by auditor.**—The auditor shall determine the extent of the improvements to be made on any area, the character of the improvements to be as provided in this act; provided that not more than five acres shall be cleared on each forty-acre tract and the total cost of the improvements on any area improved shall not exceed \$300.00 on each forty (40) acre tract.

**Sec. 7. To be done under contract awarded to lowest responsible bidder.**—The work of making any improvements upon state lands, authorized by this act, shall be done under contract by the lowest responsible bidders. Contracts may be let for different classes of work separately or combined, or for different tracts in the same selected area separately or combined. The contractor may be paid for his work either on its completion or from time to time during its progress as the state auditor shall determine; provided that no payment shall be made until a competent inspector appointed by the auditor shall have examined the work and shall have certified that the work was done well and fully justifies the payment. Contracts shall be let under such regulations, terms and conditions as the state auditor, with the advice and consent of the state land improvement board, may determine.

**Sec. 8. Actual cost to be apportioned to various tracts.**—The actual cost of the improvement of any selected area, and a proper proportion of the cost of the administration of this act, shall

be apportioned in equal portions to the forty-acre tracts upon which any such improvement is made, to be repaid to the state as hereinafter provided; provided that the cost of administration to be so charged shall include only the expenses actually incurred by reason of this act and shall include no charges for the general administration of state lands as otherwise provided for by law.

**Sec. 9. Sale of lands improved under provisions of this act.**—Lands improved under this act shall be sold as are other state lands, provided, that the cost of improvements apportioned to any tract shall be paid for by the purchaser of such tract as a sum independent of the purchase price of the land itself, and provided further that every purchaser of a tract so improved shall sign an agreement in writing that he will establish his residence upon such tract within eighteen months of the date of purchase, that he will cultivate and further improve it in a husbandlike manner, and that he will so maintain his residence and so cultivate and improve the land until the cost of improvements apportioned to that tract are paid to the state in full. Such agreement shall be a condition of the sale and its breach shall terminate the contract of sale, unless within three months after notice given by the state auditor, residence is established on the land purchased, and unless such residence is maintained and the other conditions agreed to be performed for the period herein provided. Provided, however, that the condition in said contract as to actual continuous residence on said land may be waived by the state auditor when because of the death of the purchaser or for other good cause arising after the establishment of such residence he believes such waiver will be just and equitable to all concerned.

**Sec. 10. Terms of purchase price.**—On the sale of any lands improved under this act the purchaser shall pay at the time of sale a sum equivalent to 15% of the purchase price of the land, exclusive of improvements, which sum shall be received by the state auditor in part payment of the cost of such improvements, in lieu of the part payment of the purchase price of the land provided for in Section 5210, General Statutes 1913, and the same shall be turned into the revolving fund herein provided for. The purchase price of the land, exclusive of improvements, shall be payable at any time within forty years at the option of the purchaser, as provided in section 5210, General Statutes of 1913. The balance of the cost of such improvements shall be payable twenty-five (25%) per cent in two years from date of purchase, twenty-five (25%) per cent in three years from date of purchase, twenty-five (25%) per cent in four years from date of purchase, and twenty-five (25%) in five years from date of purchase. The purchaser shall have the privilege of paying any larger sum at any time. Interest at four (4%) per cent

per annum shall be collected annually on all accounts remaining unpaid. The state shall have a first lien upon the land for the interest and unpaid principal of the cost of such improvements.

Sec. 11. **Revolving fund to be credited from proceeds of sale.**—As soon as any tract of land improved under this law shall have been sold or disposed of under contract of sale with agreement on the part of the purchaser to pay for such improvements, as provided, in this act, the state auditor shall credit to the revolving fund the principal amount contracted to be paid for such improvements by the purchaser. Such amount when collected in whole or in part shall thereupon become a part of the revolving fund provided for by this law, and may again be expended for the purpose of carrying out this act. It shall be a first lien on the interest of the person holding the certificate or other title to such land.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved April 9, 1917.

#### CHAPTER 165—S. F. No. 72.

*An act to amend Sections 256, 257, 258 and 267 of Chapter 8, the General Laws of Minnesota for 1895, entitled, "An act to provide for the incorporation, organization and government of cities," and relating to the manner of ordering of public improvements and the collection of assessments therefor.*

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

Section 1. **Order of improvement and award of contract and issuance of warrants together with limitation of same.**—That section 256 of chapter 8 of the General Laws of the State of Minnesota, of 1895, as amended by chapter 98 of the Laws of 1909 and by chapter 92 of the General Laws of 1911, be and the same hereby is amended so as to read as follows:

Section 256. At the time and place designated in such notice opportunity shall be given to any and all parties interested to be heard for or against such proposed work, and the clerk shall, in the presence of the city council, open and read all sealed proposals which may have been received for doing such work and furnishing the material therefor, and the city council may then or thereafter by a two-thirds (2/3) vote of all its members, accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by resolution authorize the doing of said work or any part thereof, and may direct that a written contract be made therefor with the person whose proposal shall have been accepted; or they may reject all propos-