

571.55 Release of portion of impounded property; discharge for laches. *To prevent undue hardship or harassment any court in which a main action has been commenced, upon motion and notice to the parties, may limit or restrict prospective garnishments prior to the entry of any final judgment in the main action, and may release such part of the property impounded which exceeds the amount of the claim, and may condition its order upon such terms as are just and fair.* Upon a proper showing the court may discharge the garnishee in any action in which there is lack of diligent prosecution.

Approved April 24, 1959.

CHAPTER 536—H. F. No. 1745

An act relating to the leasing of state-owned mineral lands; amending Minnesota Statutes 1957, Section 93.20, Subdivisions 17 and 28.

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

Section 1. Minnesota Statutes 1957, Section 93.20, Subdivision 17, is amended to read:

Subd. 17. **Mineral lands, lease, tailings.** Schedule 6. Underground special concentrates shall be understood to mean all concentrates produced from underground ore which, in accordance with good engineering and metallurgical practice, require treatment by roasting, sintering, agglomerating, or drying through the use of fuel, or by jigging, or by heavy medium separation to make them suitable for blast furnace practice.

Ponded fine tailings special concentrates shall be understood to mean all concentrates produced from fine tailings stored in tailings ponds which, in accordance with good engineering and metallurgical practice, require additional treatment by one or more of the types described in schedules 2 and 3 to make them suitable for blast furnace practice.

On a ton of such underground *special concentrates or ponded fine tailings special concentrates*, averaging in dried iron 25.49 per cent or less, the royalty shall be 15 cents. The royalty rate shall be increased two per cent for each increase of one per cent, or fraction thereof, in dried iron analysis.

Sec. 2. Minnesota Statutes 1957, Section 93.20, Subdivision 28, is amended to read:

Subd. 28. **Lease, disposition of mineral.** It is further understood and agreed as follows:

(1) The part..... of the second part will open, use and work the mine or mines on said land in such manner only as is usual and customary in skillful and proper mining operations of similar character when conducted by the proprietors on their own land and in accordance with the requirements, methods, and practices of good mining engineering, and in such manner as not to cause any unnecessary or unusual permanent injury to such mine or mines or inconvenience or hindrance in the subsequent operation of the same or in the development, mining, or disposal of any iron ore or other valuable mineral left on or in said land.

(2) Subject to the approval of the commissioner of conservation, all iron ore and other material produced or accumulated in connection with any operations hereunder and not otherwise lawfully disposed of shall be deposited or disposed of by the part..... of the second part at such places and in such manner as will not hinder or embarrass such subsequent operations or activities; provided, that any such material containing iron or other minerals in such quantity or form as to have present or potential value shall be deposited only on the land covered by this lease, or on other land belonging to the state and available for the purpose, *unless the commissioner of conservation shall approve in writing its disposal in some other manner.*

(3) Land conveyed to the state upon condition that it shall be used for the storage of iron ore or other materials having present or potential value belonging to the state, subject to termination or reversion of title when no longer needed or used for that purpose, shall be deemed suitable and available therefor. The commissioner may accept such a conveyance in behalf of the state if he shall determine that the conditions thereof conform with the foregoing provisions and will fully protect the interests of the state in the materials to be so stored, but no consideration shall be paid for such conveyance unless authorized by law. The existence of mineral reservations with rights to use or destroy the surface in connection therewith, shall not prevent lands being deemed suitable and available if the commissioner finds that the lands are located off the generally recognized limits of the iron formation, and the commissioner finds that no minerals of any present or foreseeable commercial value are known to exist thereon. The provisions of Minnesota Statutes, section 500.20 shall not apply to any conveyance of land to the state pursuant to this

subdivision and shall not limit the duration of any covenant, condition, restriction, or limitation created by any such conveyance.

Approved April 24, 1959.

CHAPTER 537—H. F. No. 1819

[Not Coded]

An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings and limiting the time within which actions may be brought or defenses interposed questioning the validity of foreclosure proceedings.

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

Section 1. Mortgage foreclosure by advertisement legalized. Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form contained in any mortgage duly executed and recorded in the office of the register of deeds or registered with the registrar of titles of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections, viz:

(1) That the power of attorney, recorded or filed in the proper office prior to the passage of this act, to foreclose the mortgage, provided for by Minnesota Statutes, Section 580.05;

(a) Did not definitely describe and identify the mortgage.

(b) Did not definitely describe and identify the mortgage, but instead described another mortgage between the same parties.

(c) Did not have the corporate seal affixed thereto, if executed by a corporation.

(d) Had not been executed and recorded or filed prior to sale, or had been executed prior to, but not recorded or filed until after such sale.

(e) Was executed before there was default, or was executed subsequent to the date of the printed notice of sale or subsequent to the date of the first publication of such notice.