

Repeal of section 9, chapter 57, General Laws of 1874.

of the General Laws of one thousand eight hundred and seventy-four (1874), being an act entitled "An act to authorize the board of town supervisors to open, lay out, and construct ditches for the purpose of draining public highway," is hereby repealed.

When act to take effect.

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

Approved February 17, 1877.

CHAPTER 56.

AN ACT TO AMEND CHAPTER THIRTY-EIGHT (38) OF THE GENERAL STATUTES, AS AMENDED BY CHAPTER FIFTY (50) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870), CHAPTER THIRTY-THREE (33) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873), AND CHAPTER THIRTY-FIVE (35) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), RELATING TO STATE LANDS.

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

State Land Commissioner may appoint a clerk.

SECTION 1. That section five (5) of chapter thirty-eight (38) of the general statutes be and the same is hereby amended by adding thereto, "And he shall have authority to appoint a clerk, whose salary shall be fixed by law."

Timber on pine land to be estimated before land is sold.

SEC. 2. That the proviso of section six (6) of said chapter be and the same is hereby amended so as to read as follows: *Provided*, that pine lands shall not be sold until the timber thereon has been estimated, appraised and sold according to the provisions of this act.

Terms of payment.

SEC. 3. That section seven (7) of said chapter be and the same is hereby amended so as to read as follows:

SEC. 7. The terms of payment of all State lands shall be for lands, other than pine lands, which are chiefly valuable for the timber thereon, the value of such timber to be paid at the time of sale; and for all other lands fifteen (15) per cent. of the purchase price thereof to be paid at the time of sale, and the balance of the purchase money of all lands at any time thereafter from time to time within thirty (30) years, at the option of the purchaser, with interest annually in advance at the rate of seven (7) per cent. per annum on the unpaid balance, payable on the first (1st) day of June, or within six (6) days thereafter, in each and every year.

SEC. 4. That section eleven (11) of said chapter be and

the same is hereby amended by striking out the first (1st) word "of" in the third (3d) line.

SEC. 5. That section nineteen (19) of said chapter be and the same is hereby amended by adding thereto: *Provided*, that if any purchaser has been unable to pay such interest at the proper time, because of destitution, or by reason of accident or misfortune, then, upon the representation of such facts by the county auditor and treasurer of the county in which the interest is due to the land commissioner, he may authorize the county treasurer to receive such interest with seven (7) per cent. interest thereon from the time it became due, in lieu of double interest.

Failure to pay at the proper time.

SEC. 6. That section thirty-eight (38) of said chapter be and the same is hereby amended by striking out the words "his receipt," in the fifth (5th) line, and inserting the words, "duplicate receipts," and by striking out the word "receipt," in the eighth (8th) line, and inserting the word "receipts."

Verbal amendment to sections 38 and 39.

SEC. 7. That section thirty-nine (39) of said chapter be and the same is hereby amended by adding thereto, "and to justify in double the amount of the bond."

SEC. 8. That section forty-one (41) of said chapter be and the same is hereby amended so as to read as follows:

Sec. 41. The county auditor shall, at the time he is required by law to return abstracts of settlement to the State Auditor, also forward all duplicate receipts of principal, interest or penalty on State lands, with a certified statement of such collections by the county treasurer, specifying the amount of each item; and he shall also make such return at any other time when required by the State Auditor. The county auditor shall act as clerk of land sales made by the commissioner, and he may make such sales when authorized by the commissioner, in which case his deputy shall act as clerk; and immediately after the close of all sales of State lands, the county auditor shall report to the State Auditor the number of acres of land sold, the amount for which the same were sold, the amount of principal and interest paid, and the amount of principal remaining unpaid; and for each and every day so engaged, the county auditor shall be allowed the sum of three dollars (\$3.00), to be paid out of any appropriation for the appraisal and sale of such lands.

Duties of county auditors relating to land sales.

SEC. 9. That section forty-four (44) of said chapter be and the same is hereby amended by striking out all of the section after the word "and" in the fourth (4th) line, and inserting "during the months of March, June and October of each year, and at such other times as he may be requested so to do by the State Treasurer," he shall pay into the State treasury all moneys received on account of such funds since the last payment he may have made.

When payments of money are to be made into the State treasury.

SEC. 10. That sections forty-nine (49) and fifty (50) of said chapter be and the same are hereby amended so as to read as follows: "The principal sums accruing from all sales

Distribution of school land money by the State Treasurer.

of school, university, internal improvement, or other State lands, or of pine timber upon the same, shall become a part of the several permanent funds to which they respectively belong, and shall not be reduced by any costs or charges of officers, by fees or any other means whatever. All moneys received as interest or penalty on such funds shall become a part of the current or general funds to which they respectively belong, and shall be distributed as directed by law. *Provided, that all interest or penalty received on the internal improvement land fund shall be compounded with the permanent fund."*

When and how commissioner may sell timber.

SEC. 11. That section fifty-two (52) of said chapter be and the same is hereby amended so as to read as follows: The commissioner may sell the timber on the pine lands in this State when the same is liable to waste, as provided in this section, and not otherwise; no such timber shall be sold or disposed of unless the same is liable to waste; and when lands have been cut over according to regular permits, or the timber upon any land may be subject to waste, destruction or damage by windfall, fire or otherwise, he may grant permits to clear such lands upon full payments of the amount for which the same may be sold; before any permit shall be granted, the timber shall be estimated and appraised by the surveyor of logs and lumber of the said district in which the land is situated, upon the request and subject to the approval of the said commissioner, which estimate and appraisal shall show the amount and the value per thousand feet of all timber measuring not less than eight (8) inches in diameter, twenty-four (24) feet from the ground, and of other timber below this standard on each tract or lot, with a statement of the situation of the timber relative to risk from fire or damage of any kind, and its distance from the nearest lake, stream or [and] railroad.

When and how permits may issue.

SEC. 12. No permit for such cutting shall be granted to any person by the said commissioner, except upon sale of timber to the highest bidder at public auction, held at his office at the State capitol, notice of which shall be given at least sixty (60) days prior to [the] date of the same in one (1) or more daily papers published in Saint Paul, and the minimum price of all timber at such sale, shall be the appraised value of the same as fixed by the surveyor of logs and lumber, and approved by the commissioner. Every person purchasing timber at such sale, before the execution of a permit for the same, shall execute a bond to the State of Minnesota for the payment of double the amount of the estimated value of the timber included in the permit, with sufficient surety to be approved by the commissioner, conditioned upon the payment to the State Treasurer of the amount that may be found due, under the terms of such permit and according to the provisions of law.

SEC. 13. All permits under the provisions of this act shall

be made according to prescribed form by the attorney general, and shall be signed by the party applying for the same, and the said commissioner. Said permits shall contain a description of the land to be cut upon, the estimated amount of timber upon the same, the price per thousand feet, or the entire value of the timber if the right to clear the land has been sold, for which the same was bid in, the stipulated log mark, and such other points and agreements as may be necessary to make all logs cut under its provisions the absolute property of the State, until the same are paid for; and such permits, when properly executed, shall be recorded in the office of the surveyor of logs and lumber of the proper district, and the log mark described therein, shall vest the ownership of all logs bearing the same in the State.

Form of permits to be furnished by Attorney-General.

SEC. 14. The provisions of chapter thirty-two (32) of the General Statutes shall apply to all timber or logs cut upon State lands; and the several surveyors of logs and lumber shall scale all logs so cut, and make a detailed report of the same to the commissioner of the State Land Office on or before the first (1st) day of April in each year, showing the name of the party cutting, the description of the land cut upon, the number of logs cut and the mark thereon, the total number of feet and the value thereof per thousand, as shown by the records of his office, stating whether such cutting has been according to the terms of the permit, and if not properly cut, the consequent damage to the State; and such timber or logs shall not be sold, transferred or manufactured into lumber until the amount due the State, according to the report of said surveyor, shall have been paid in full; and it shall be the duty of the surveyors of logs and lumber to report to the commissioner all trespass which has been, or which may hereafter be made upon the State pine lands, and all the logs cut by such trespass shall be disposed of as hereinafter provided.

Duties of surveyors of logs and lumber.

SEC. 15. Upon receipt of such report from the surveyor of logs and lumber, the State Auditor shall draw duplicate drafts for the amount found due, one of which shall be placed in the hands of the State Treasurer, and the other forwarded to the party from which the stumpage is due, who shall immediately make payment of the required amount to the State Treasurer, take duplicate receipts therefor, one of which he shall return to the State Auditor, who shall thereupon execute a release of the logs, and a transfer of the mark thereon, but in no case shall such release or transfer be made until the lien of the State has been fully satisfied. If the party owning such stumpage shall not pay the amount of such draft within ten (10) days after said draft has been placed in the hands of the State Treasurer, it shall be the duty of the said Treasurer to take possession of the logs in question, and sell the same at public auction to satisfy the claim due the State, paying the overplus, if any, after defraying the costs and ex-

Collection of stumpage—how made.

penses of such sale, to the party entitled thereto, and making return thereof to the State Auditor. *Provided*, that in lieu of taking possession of the logs upon which stumpage is due, the State Treasurer may turn the account over to the Attorney General, who shall immediately proceed to collect the same upon the bond hereinbefore provided for; but in no case shall the logs be released until the account is paid, and proceedings upon the bond shall not prevent the State Treasurer from seizing the logs at any time before the claim of the State is satisfied.

Relating to
log marks.

SEC. 16. If any person having a contract to cut timber under the provisions of this act, shall, with intent to defraud the State, place any other log mark upon the logs cut by him under such contract, than the one mentioned therein, shall be deemed guilty of a misdemeanor, and shall forfeit to the State the logs upon which any other mark than that agreed upon has been placed. He shall also be liable to indictment for such misdemeanor, and upon conviction thereof shall be punished by fine and imprisonment, not less than five hundred dollars (\$500), nor more than five thousand dollars (\$5,000), or imprisonment in the penitentiary not less than one (1) year nor more than three (3) years, or both.

Repealing
clauses.

SEC. 17. Sections eighteen (18), twenty (20), twenty-one (21), twenty-eight (28), forty (40), forty-seven (47), and forty-eight (48) of said chapter are hereby repealed, and sections fifty-three (53) and fifty-four (54) of said chapter, being a part of chapter thirty-five (35) of the General Laws of one thousand eight hundred and seventy-four (1874), shall follow the sections included in this act, and all remaining sections of the said chapter thirty-eight (38), of which this act is amendatory, shall be and the same are hereby renumbered in consecutive order as they may stand by repeal of the sections herein enumerated.

When act to
take effect.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.