

## CHAPTER 182.

[H. F. No. 191.]

AN ACT TO FURNISH SEED GRAIN FOR DISTRIBUTION IN CERTAIN COUNTIES IN THIS STATE AFFLICTED BY HAIL DURING THE SEASON OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SIX (1886), 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 shall be the duty of the county auditor of each of the counties of Marshall, Polk, Big-Stone, Lac qui Parle, Swift, Norman, Chippewa, Becker and Wilkin, or any other county in the state of Minnesota, wherein the crop of the year eighteen hundred and eighty-six (1886), was partially or wholly destroyed by hail, before the fifth (5th) day of March, A. D. one thousand eight hundred and eighty-seven (1887), to give notice to the respective town clerks in the different towns of said counties, to post notices immediately in at least three (3) of the most public places in each town, to all persons wishing to avail themselves of the benefits of this act, to meet at the town clerk's office in the town, or at the county auditor's office in the county in which the applicant resides, and file with said town clerk or county auditor, on or before the fifteenth (15th) day of March, A. D. one thousand eight hundred and eight-seven (1887), an application duly subscribed and sworn to before the said town clerk or county auditor, which application shall be attested by at least two (2) witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed and prepared for seeding; how many acres the applicant intends to have plowed and prepared for seeding before seeding time; how many bushels are necessary, and of what kind of grain, to see the ground so prepared, or to be prepared as aforesaid; that said applicant's crop was in the year one thousand eight hundred and eighty-six (1886), entirely destroyed by hail or if only partially destroyed, how many bushels the applicant harvested in the year one thousand eight hundred and eighty-six (1886) of each kind of grain; also what amount of seed grain and of what kind the applicant desires to borrow from the state; that the applicant has not procured and is unable to procure the necessary seed grain; also that the applicant desires the same for seed grain and for no other purpose, and that the applicant will not sell or dispose of the same, nor any part

Seed grain in counties affected by hail.

Applications for same.

thereof. Said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the government sub-division or sub-divisions upon which the party intends to sow said seed grain.

Applications to  
be filed in  
auditor's office.

SEC. 2. The town clerk of each town shall on or before the fifteenth (15th) day of March, A. D. one thousand eight hundred and eighty-seven (1887), forward said applications to the county auditor of the proper county, and said applications shall be filed in the said county auditor's office, and be open to public inspection; and no applicant shall be entitled to, or receive any of the benefits of this act unless on or before the fifteenth (15th) of March, A. D. one thousand eight hundred and eighty-seven (1887), the applicant shall have made and filed with the town clerk of the town or the county auditor of the county in which the applicant resides, the application as required and in the manner and form mentioned in section one (1) of this act.

County com-  
missioners  
board of  
examination.

SEC. 3. The board of county commissioners of each county, so devastated by hail, shall be and are hereby constituted and appointed a board of examination and adjustment of the applications for seed grain, and it shall be the duty of said board to meet at the county auditor's office on the fifteenth (15) day of March, A. D. one thousand eight hundred and eighty-seven (1887), to examine and consider, separately, each application as provided in section one (1) of this act, and to decide who are entitled to the benefits herein mentioned, and the amount thereof, and said board shall on or before the seventeenth (17th) day of March, A. D. one thousand eight hundred and eighty-seven (1887), forward to the governor, a statement giving the number of applicants, the number of acres prepared or to be prepared, and number of bushels of each kind of seed grain needed in the county; and said statement shall contain only such applications as have been approved by said board, and shall be signed by the chairman of said board and certified to by the county auditor, ~~—~~ provided, no one applicant shall receive a greater amount in value of seed grain than seventy-five (75) dollars.

Governor to  
apportion  
amount.

SEC. 4. The governor upon receipt of the statements as provided in section three (3) of this act, shall apportion the amount appropriated for such purpose or such sum thereof as may be necessary, to equal the amount of all such statements to each county, and if the amount applied for shall exceed the appropriation for such purpose then the amount shall be distributed *pro rata*, to said counties. Said distribution to be based upon the amount and number of applications as contained in each statement from each county.

SEC. 5. The governor shall then inform the county auditor in the different counties of the amount apportioned to each county under said apportionment, and shall authorize the board of county commissioners of each county to purchase said seed grain in or near the counties where the seed grain is required at the market price to equal the amount each county is apportioned and cause to be delivered to each applicant amount of order for said seed grain.

County commissioners to purchase grain

SEC. 6. Immediately upon receiving notice from the governor of the amount apportioned to each county, the board of county commissioners shall meet at the county auditor's office and re-adjust the applications for seed grain, and apportion the amount that has been allowed said county, among the applicants as provided in section one (1) of this act.

Readjustment.

SEC. 7. The county auditor of each county, shall at the request of the chairman of the board of county commissioners 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*, that said order shall not be issued until said applicant has signed a contract in duplicate form to be attested by the county auditor wherein said applicant for and in consideration of \* \* \* \* bushels of seed grain received from the state promises to pay to the state of Minnesota, the amount of the cost of said seed grain, that said sum shall be taxable against the real and personal property of said applicant, and that said applicant will refund to the state in the form of a tax to be levied by the county auditor of the proper county, the same to be collected as taxes against real and personal property are collected by virtue of the laws of this state, and that said sum so levied shall be a first lien upon the crop of grain raised each year by the person receiving said seed grain until the said tax is fully paid, by the said party of the said county.

County auditor to issue order—applicant to sign contract.

SEC. 8. It shall be the duty of the county auditor of each county to cause to be levied against the property of each person receiving said seed grain under the provisions of this act the total sum due the state by each person so receiving said seed grain, one-half ( $\frac{1}{2}$ ) of the said sum to be levied in each of the two (2) years immediately following the contract given for said seed grain; and all moneys collected by the county treasurer of each county under the provisions of this act shall be without compensation, and shall be kept separate from other state and county taxes, and paid over to the state treasurer, as provided in section fifteen (15) of this act.

Tax levied to pay for seed grain.

SEC. 9. That the contracts as provided for in section seven (7) of this act, shall be numbered in triplicate and

Contracts—  
how disposed  
of.

consecutive order by the county auditor, one of which shall be transmitted to the state auditor, and the other filed in his office; also file certified copy of said contract in the town clerk's office of each town where said person resides, and the county auditor shall keep a correct schedule of the same, giving number and name of each applicant and date of contract, the cost of each kind of seed grain, and the total sum due the state; also a description of the land occupied by each of such applicants, in a book to be used for that purpose and no other, said book to be open to public inspection, and a true copy of said schedule shall be made and signed by the chairman of the board of county commissioners and certified to by the county auditor and forwarded to the governor. *Provided*; That after all applicants for seed grain are supplied, should there be a surplus, the same shall be sold by direction of the board of county commissioners and the sum received therefor, shall be paid over to the county treasurer, who shall give his receipt and said sum shall by him be paid over to the state treasurer, who shall endorse said amount so received on the county bond of the county making such payment.

State to have  
lien upon crops

SEC. 10. Upon the filing of said contract as provided for in section nine (9), 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 total sum due the state, as stated in said contract, as against all creditors, purchasers or mortgagees, in good faith or otherwise, and the said filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence of said lien, which shall continue in force until the tax as provided for in said contract is paid. And any person or persons who have received such seed grain, shall as soon as the crop raised from said seed grain is harvested and threshed, market a sufficient amount to satisfy the claim against said seed grain then due or about to become due, and deposit the same with the county treasurer in money or storage checks as may seem best to all parties concerned, and when the person or persons who have received said seed grain shall have deposited such money or storage check with the county treasurer it shall be deemed to satisfy said lien for the year for which such payment shall have been made except a sufficient amount to seed the same ground for another and following year until the whole amount is fully paid and satisfied.

Contract  
cancelled—  
when.

SEC. 11. Whenever the tax as provided for in each contract filed under the provisions of this act, is fully paid, the county auditor is fully empowered to cancel such contract, and shall write the word "satisfied" with the date

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.

SEC. 12. Any person or persons who shall sell, transfer, take or carry away, or in any manner dispose of the said seed grain, or any part thereof, furnished by the state for seed grain purposes only, or to use the said seed grain for any other purpose than that of sowing or planting his ground, or who shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, procured by the sowing or planting of said seed grain with the intent to defraud the state, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), 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 of this act shall be found guilty of false swearing shall suffer the pains and penalties of perjury.

Misapplication  
of seed grain a  
misdemeanor.

Penalty

SEC. 13. It shall be the duty of the supervisors, constables, and town clerks of towns, and the commissioners, sheriff and county attorneys of the counties embraced herein, having knowledge of the violation of the provisions of this act, to make complaint thereof to any justice of the peace of the proper county, and said justice shall 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 provision of this act, shall stand committed to the county jail until such fine is paid, *provided* such imprisonment shall not exceed ninety (90) days.

Duties of  
officers to  
prosecute.

SEC. 14. The county auditor shall receive as compensation for the services imposed upon him by this act two (2) per cent. of the amount received for taxes for this purpose each year, to be paid out of the county treasury as the salaries for county officers are paid.

Compensation  
of county  
auditor.

SEC. 15. That the county commissioners of each and every county heretofore named shall under the provision of this act receiving aid from the state for the purpose therein named, are hereby authorized and empowered to issue their bonds to the state of Minnesota for the full amounts of such aid received by their respective counties payable within four (4) years from date thereof. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the county auditor and sealed with his seal, and before receiving such aid shall deliver such bonds to the state auditor.

Bonds may be  
issued.

All payments made by the treasurer of such county to the state treasurer as provided heretofore shall be en-

dorsed on such bonds respectively at the time of such payment.

Tax levy. SEC. 16. That the county auditors of each county issuing bonds as provided in section ten (10) of this act, shall at the time of making the annual tax levy, levy a tax on all the taxable property in such county for an amount in addition to all other state and county taxes adequate to pay the sum remaining unpaid on said bonds, said tax to be levied and collected as other county and state taxes.

Compensation of county commissioners

SEC. 17. The county commissioners shall receive as compensation for the services imposed upon them by this act the sum of two dollars (\$2) per day for each day necessarily occupied not to exceed five (5) days in all to be paid out of the general county fund.

Appropriation.

SEC. 18. That the sum of forty thousand dollars (\$40,000), be and the same is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of complying with this act.

When act to take effect.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 5, 1887.

## CHAPTER 183.

[H. F. No. 146.]

AN ACT TRANSFERRING CERTAIN DUTIES NOW PERFORMED BY THE STATE AUDITOR TO THE PUBLIC EXAMINER.

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

Supervision of state banks.

SECTION 1. That all duties now required to be performed by, and all responsibilities now imposed upon, the auditor of this state, under the laws regulating the business of banking, shall hereafter be performed by the public examiner, under the title *ex-officio* of superintendent of banks, and all reports and documents now on file in the state auditor's office, pertaining to banks, now in existence, are hereby transferred to the custody of the public examiner.

When act to take effect.

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

Approved Mar. 2, 1887.