

REVISED LAWS

MINNESOTA

1905

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CHAPTER 40

PUBLIC LANDS

SALES BY AUDITOR

2404. School lands—Minimum price—Pine lands—The minimum price of school lands shall be five dollars per acre, and all sales thereof shall be within the county in which said lands are situated: Provided, that pine lands shall not be sold until the timber thereon has been sold according to the provisions of this chapter; and, when such timber has been sold and removed, the land may be appraised and sold as in this chapter provided. Not more than one hundred thousand acres of school lands shall be sold in one year. (3965; '95 c. 163 s. 8)

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2405. University lands—Minimum price—The minimum price of all lands donated to the state by the United States by act of Congress entitled "An act donating to the states of Minnesota and Oregon certain lands reserved by Congress for the territories of Minnesota and Oregon, for university purposes," approved March 2, 1861, and by an act of Congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, shall be five dollars per acre. The auditor shall cause said lands, or any part of them, to be appraised and sold in accordance with the provisions of this chapter. (4026)

2406. Salt and indemnity lands—University may sell—The board of regents of the state university shall have the charge and supervision of the state salt lands donated by the United States to aid in the development of the brines in the state, and of the lands granted by Congress to the state by an act entitled "An act granting lands to the state of Minnesota in lieu of certain lands heretofore granted to said state," approved March 3, 1879. Said board may sell said lands in such manner and amounts as it may deem expedient, and shall hold the proceeds thereof in trust, and shall only disburse the same in accordance with the law providing for a geological and natural history survey. The university may execute in its name deeds of conveyance of said lands. The proceeds of the sale of such lands, when invested, shall constitute a permanent fund, called the "University Fund." (3948, 3949, 3951)

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2407. Swamp lands—Minimum price—The minimum price of all swamp lands held by the state shall be the same as the minimum price of school lands, less one-third, and they shall be appraised and sold in the manner provided by sec. 2 of art. 8 of the constitution. (3948, 3949, 3951)

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2408. Internal improvement lands—Minimum price—All lands donated to the state under the eighth section of an act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4, 1841, shall be appraised and sold, and the minimum price shall be the same, and the moneys derived from the sale thereof shall be invested, as provided by sec. 32b of art. 4 of the constitution.

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2409. State institutions and capitol lands—All lands selected for state institutions under an act of the legislature entitled "An act to appropriate swamp lands to certain educational and charitable institutions, and for the purpose of erecting a state prison," approved February 13, 1865, and all lands known as state capitol lands, shall be appraised and sold as school lands are sold. (4030; '01 c. 177)

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2410. Terms of payment—Interest—The terms of payment on the sale of all state lands other than pine lands shall be as follows: On those which are chiefly valuable for the timber thereon, the purchaser shall pay at the time of sale the value of such timber, and on other lands fifteen per cent. of the purchase price. In all cases, including pine lands from which the timber has been

sold, the balance of the purchase price shall be payable at any time within forty years, at the option of the purchaser, with interest at the annual rate of four per cent., payable in advance on June 1 in each year: Provided that, if any part of the balance be paid within ten years from the date of sale, it shall bear interest at the annual rate of five per cent. from the date of sale, which interest shall be then paid, credit being given for interest already paid thereon at the four per cent. rate: Provided, that in case of sale made prior to June 1, 1901, if any portion of the unpaid principal be paid before due and within ten years from June 1, 1901, the interest shall be at the rate of five per cent. per annum from said date to the date of payment. (3966; '01 c. 91)

32-228, 20+94; 50-491, 494, 52+970.

2411. Further security—Action—The auditor, whenever, in his opinion, the interests of the state will not be secured by the terms of payment so provided for, shall require of the purchaser such further security for the payment of the deferred instalments as he may deem necessary; and, in all cases where security is taken, the auditor may recover the money and enforce such security by action brought in his name. (3970, 3974)

2412. Sales by subdivisions—All sales of land by the auditor shall be made according to the subdivisions thereof by the United States surveys, unless the same have been subdivided into smaller parcels or lots as provided in this chapter; but no land shall be sold in larger quantity than one quarter section. (3988)

2413. Subdivision into lots—Whenever the interest of the state will be promoted, in the opinion of the auditor, by subdividing any of the land under his control into small parcels or village lots, he shall cause the same to be done, and the land to be appraised: Provided, that whenever a petition, signed by at least ten legal voters of the county in which the land therein described is situated, is presented to the auditor, requesting him to have such land so subdivided, he shall submit such petition to the board of timber commissioners, which shall meet for the consideration thereof, and, if the subdivision be recommended by the governor and at least one other member of the board, the petition shall be granted. The action of the board shall be indorsed upon such petition and signed by the board, and, whether the request be granted or refused, the petition so indorsed shall be filed with the auditor. If the request be granted, the auditor shall subdivide said land accordingly, and cause the same to be appraised. ('95 c. 163 s. 5)

2414. Appraisalment of lots—For the purpose of making the appraisalment required by § 2413, appraisers shall be appointed as follows: One by the governor, one by the auditor, and one by the county board of the county in which the lands are situated. Each appraiser, before entering upon the duties of his office, shall take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability, and that he is not interested, directly or indirectly, in any of the lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which oath shall be attached to their report. They shall then appraise the lands and make report thereof to the auditor as hereinafter provided. Each appraiser shall be allowed as compensation for his services and expenses three dollars per day, to be paid by the state. ('95 c. 163 ss. 6, 8)

2415. Same—Sale—Reappraisal—All parcels or lots so appraised shall be subject to sale in the same manner as other lands in charge of the auditor, and shall be sold at not less than the prices at which they were severally appraised, until a new appraisal is made, which the auditor, in his discretion, may cause to be made in the manner aforesaid, and with like effect; but no parcels or lots so appraised shall be sold for less than the minimum price of said lands established by this chapter. (3977)

2416. Map to be recorded—Whenever the auditor shall subdivide any land into small parcels or village lots, he shall cause a map of the same to be filed for record with the register of deeds of the county in which said land is situated. (3983)

2417. Surveys—Whenever it appears to the auditor necessary, in order to ascertain the boundaries of any tract of land in his charge, or to enable him to describe or dispose of the same in convenient parcels, he may cause surveys to be made. ('3981)

2418. School lands—Appraisal—Price—Whenever, in the opinion of the auditor, it shall be for the interest of the state that any of the lands in his charge, or the improvements thereon, be appraised, appraisers shall be appointed, who shall qualify, report, and be paid as in the case of lands subdivided into lots. The appraisers shall report the value of lands and the improvements thereon, if any, separately; and if any of such lands, other than pine lands, are chiefly valuable for the timber thereon, the value of such timber shall also be separately stated. The appraised value shall be the minimum price for such lands until changed by a subsequent appraisal, but no land shall be sold upon an appraisal made more than four years prior to the date of sale. ('95 c. 163 s. 8)

See 1905 c. 162

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2419. Notice of sale—Before any sale is made, the auditor shall cause four weeks' published notice of the time and place of sale to be given at St. Paul and in each county in which land to be sold is situated. Such notice shall contain a description of each parcel of land to be sold. If there be no newspaper published in any such county, four weeks' posted notice shall also be given therein. The auditor, on or before the day of sale, may withdraw any lands which may have been so advertised. ('95 c. 163 ss. 2, 9)

See 1905 c. 99

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2420. Certificate of sale—Default—Resale—At the time of the sale the auditor shall execute, acknowledge, and deliver to the purchaser a certificate of sale, in which he shall certify the description of the land sold, the quantity thereof, the price per acre, the consideration paid and to be paid, and the time and terms of payment, and which shall be numbered and made assignable. No certificate shall be delivered until the sum required by law to be paid at the time of the sale is paid to the treasurer of the county where such sale takes place, and, in case the purchaser fails to pay such sum, the auditor may, immediately re-offer the land for sale, but no bid shall be received from the person so failing. ('95 c. 163 s. 1)

60-313, 62+110.

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2421. Certificate—Default in interest—Resale—The certificate of sale shall further set forth that in case of the non-payment of the annual interest by June 1, or within six days thereafter, by the purchaser or by any person claiming under him, then the auditor may, during the continuance of such default, declare the certificate void, and may take possession of the lands therein described, and resell the same at public auction in the same manner and under the same rules as provided for the first sale. When the auditor shall have reappraised and advertised and publicly offered for sale such land, a re-entry shall be deemed to have been made on the part of the state, without any other act or deed whatsoever. The purchaser at such sale shall be entitled to immediate possession. If the land is not again sold, it shall be deemed to be unsold land of the state, and the original purchaser in default, or any person claiming under him, who shall remain in possession or enter thereon without first paying all delinquent interest, costs, and penalties, shall be deemed a wilful trespasser, and shall be punished as such. ('95 c. 163 s. 3; '97 c. 302)

32-228, 20+94; 50-491, 494, 52+970.

2422. Assignment—Extensions of payment—Whenever any certificate is assigned, the assignment shall be executed in the same manner as a deed of land, and shall be acknowledged by the assignor. And whenever any extension of the time of payment is agreed upon, such agreement shall be in writing, executed in like manner and a record thereof preserved in the office of the state auditor. ('95 c. 163 s. 2)

2423. Effect of certificate—Record—A certificate of sale entitles the holder to the possession of the land therein described, but the fee shall remain in

the state until a patent is issued therefor. Such certificates, assignments, and patents may be filed for record with the register of deeds. (3973, 3978)

21-101, 106; 32-228, 20+94; 33-450, 453, 23+851.

2424. Division of certificates—Whenever the holder of any certificate shall surrender the same to the auditor, with a request to have the land therein described divided, and two or more certificates issued therefor, it shall be lawful for the auditor so to do: Provided, that no new certificate shall issue while any interest is delinquent, or if the auditor shall be of opinion that the security of the state would be impaired or endangered thereby. If the applicant shall desire a division by boundaries other than regular government or state subdivisions, he shall file with his application a plat and survey showing the lines of, and the quantity of land in, each subdivision. (3969)

2425. Sales by mistake, etc.—Refund—Any sale made by mistake, or not in accordance with law, or obtained by fraud, shall be void, and the certificate issued thereon shall be of no effect; and the holder of such certificate shall be required to surrender the same to the auditor, who, except in cases of fraud on the part of the purchaser, shall cause the money paid on such sale to be refunded to the holder. (3986)

2426. Delinquent purchasers—Redemption—When the rights of a purchaser have become forfeited by a failure to pay the amount due, if such purchaser, his heirs or assigns, before resale at public auction of the lands described in the certificate, shall pay to the state treasurer the amount of interest then due and payable on such certificate, and all costs incurred, together with interest at the rate of twelve per cent. per annum on such interest and costs, such payment shall operate as a redemption of the rights of the purchaser, his heirs or assigns. (3979)

50-491, 494, 52+970.

2427. Patents—The governor shall sign and issue, under the seal of the state, attested by the auditor, a patent for the land described in any certificate of sale, whenever the same is presented to him, with the certificate of the auditor indorsed thereon that the principal and interest specified therein, and all taxes due on said land, have been paid, and that the holder is entitled to a patent; and the governor shall in like manner issue a patent for such land to any purchaser at execution, judicial, mortgage, or tax sale of the right, title, and interest of the holder of any such certificate of sale, upon presentation to him of the certificate of the auditor that the principal, interest, and taxes have been paid, and that such purchaser is entitled to a patent. ('95 c. 163 s. 4)

33-450, 23+851.

2428. Payments—Receipts—The holder of any certificate of sale may pay to the treasurer of the county in which the land therein described is situated any amount which may be due from time to time on such certificate, either for principal, interest, or penalty; and for the amount so paid such treasurer shall issue duplicate receipts, specifying the date and amount of payment, whether for principal, interest, or penalty, and the fund to which it is applicable, the number of the certificate, which receipt shall be countersigned by the auditor of such county, and shall have the same force as if given by the state treasurer. The county treasurer shall deliver one of such receipts to the holder of the certificate, and the other to the county auditor. (3996)

28-45, 8+907; 39-433, 40+508.

2429. Bond of treasurer—Before any county treasurer shall receive any moneys under § 2428, he shall give bond to the state, prepared upon a blank form furnished by the state auditor, and approved by the judge of probate and the register of deeds, in an amount to be fixed by such auditor, not less than double the sum likely to come into his hands by virtue of this chapter, which bond shall be conditioned for the faithful discharge of all duties imposed by this chapter. Such bond, when approved, shall be filed with the auditor. (3997)

26-183, 186, 2+494, 683; 28-45, 8+907; 71-461, 74+158; 82-151, 84+657.

2430. Moneys paid to state treasurer—Each county treasurer shall hold all moneys received by him on account of such certificates of sale subject to the order of the state treasurer, and during March, June, and October of each year, and at other times when requested by the state treasurer, he shall pay into the state treasury all such moneys received since the last payment made. (4001)

39-433, 40+508; 71-461, 463, 74+158.

2431. Fees of treasurer—Standing appropriation—County treasurers shall be entitled to fees of one-half of one per cent. on each dollar received by them in payment of principal or interest on account of such certificates of sale, which fees shall be paid by the state from the current fund of the class of lands on which such payment is made, and shall not be payable to the county under any provision requiring county treasurers to pay fees into the treasuries of their respective counties; and the necessary sums for the payment of such fees are hereby annually appropriated from the several interest funds. (3997)

2432. Statement of sales—On or before May 1 in every year, the auditor shall transmit to each county treasurer who has executed and returned his bond as hereinbefore provided a statement showing the lands sold in that county, and the classes to which the same belong, the numbers of the certificates of sale, the names of the persons to whom they were respectively issued, and the amount of principal and interest due on each certificate on June 1, together with such instructions and blanks as shall enable the treasurer to carry out the provisions of this chapter. (4000)

2433. County auditors—Duties and powers—Each county auditor, at the time he is required by law to return abstracts of settlement to the state auditor, shall also forward all duplicate receipts of principal, interest, or penalties delivered to him as hereinbefore provided, with a certified statement of such collections by the county treasurer, specifying the amount of each item, and shall also make such return at any other time when requested by the state auditor. The county auditor shall act as clerk of land sales made by the state auditor, and may make such sales when authorized by him, in which case his deputy shall act as clerk. Immediately after the close of all sales, the county auditor shall report to the state auditor the description of each tract sold, the amount for which it was sold, and the amount paid. For each day while so engaged the county auditor shall be allowed the sum of three dollars, to be paid out of any appropriation for the appraisal and sale of said lands. (3998)

26-183, 187, 2+494, 683.

2434. Proceeds of sales—Distribution—The principal sums accruing from all sales by the auditor 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 on such funds, or as penalties, or as rents of such lands, shall become part of the current or general funds to which they respectively belong: Provided, that all interest and penalties on the internal improvement land fund, and rents of such land, shall be compounded with the permanent fund. (4004)

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2435. Board of investment—The permanent school and university funds shall be invested in bonds of the United States bearing not less than three per cent. interest, or in bonds of this or of any other state, or in bonds of any county, school district, city, town, or village of the state, bearing not less than four per cent. interest and county drainage bonds of this state bearing not less than three per cent. interest, as provided by law; but no investment shall be made in bonds issued to aid in the construction of any railroad. The governor, treasurer, and auditor are hereby constituted a board of investment, whose duty it shall be to invest all funds derived from the sale of public lands, except as otherwise provided by law. The auditor shall be secretary of said board, keep a record of its proceedings, and publish the same with his annual report. The treasurer shall place to the credit of the respective funds the interest received on said bonds. They shall not be transferable except upon

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the order of the governor and auditor, and on each shall be written, "Minnesota School Fund Bond," or "Bond of the University of Minnesota," as the case may require, "transferable only upon the order of the governor and state auditor." The auditor shall keep a record showing the name, number, and amount of each bond, when issued, when redeemable, the rate of interest, when and where payable, by whom executed, when purchased, when withdrawn, and for what purpose. ('95 c. 163 s. 10; '97 c. 83; '03 c. 183)

2436. Standing appropriation for investment—There are hereby annually appropriated for the purposes of investment all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, and all other funds required to be invested in securities, or which may be loaned as provided by law. (4006)

2437. Standing appropriation for expenses of investment—There are hereby annually appropriated such sums as shall be found necessary for the incidental expenses of purchase, including the payment of interest accrued at the time of purchase, of bonds for the permanent school and university funds, payable from the current or general school or university funds, respectively, and for like expenses of the purchase of bonds for the other permanent funds referred to in § 2436, payable from the respective current or general funds. (4007)

2438. Expenses—How paid—The necessary expenses of the auditor under the provisions of this chapter shall be paid out of the state treasury, and, upon satisfactory vouchers, the auditor shall issue his warrant therefor. (3985)

2439. Taxation—Sales—Redemption—State lands sold by the state auditor shall thereupon become taxable, and a description of each tract so sold, with the name of the purchaser, shall be transmitted to the proper county auditor, who shall extend the same for taxation like other land: Provided, that the interest in said lands to be sold for the enforcement of delinquent taxes shall be such only as is vested by the land sale certificate in the holder thereof. In order to redeem from any such tax sale, the person redeeming must pay to the county treasurer, for the holder of the tax sale certificate, in addition to all sums required to be paid in other cases, all amounts paid by such holder for interest and principal upon such land certificate, with interest at twelve per cent. per annum. (3982)

2440. Lease of hay privilege—The auditor is authorized to lease any state lands in his charge for hay or grass privileges, upon such terms as he may prescribe, but no such lease shall be for more than one calendar year. (4083; '95 c. 105 s. 8)

2441. Escheat subject to incumbrance—When any land has become the property of the state by escheat, and is subject to any incumbrance arising from taxes, assessments, or otherwise, the auditor, with the approval of the governor and the attorney general, and for a consideration to be determined by them, may execute in the name of the state a deed of such land to the holder of such incumbrance. ('03 c. 192)

TRESPASS ON STATE LANDS

2442. Damages—Penalty—Seizure—Whoever, without valid permit, shall cut any timber upon the lands mentioned in this chapter, or remove or carry away any such timber, or any other property belonging or appertaining to said lands, or shall commit any other trespass upon said lands, or shall induce or assist another so to do, shall be liable, in an action brought by the state, in treble damages, if such trespass is adjudged to have been wilful, but in double damages, only, if such trespass is adjudged to have been casual and involuntary. He shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in cutting such timber, preparing the same for market, or transporting the same to or toward market, or in removing such other property. And every such trespass wilfully committed shall be deemed a felony. Whenever any timber or other property is intermingled

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with any other timber or property so that it cannot be identified or separated therefrom, the state may seize and sell the whole quantity, so intermingled, under the provisions of the Revised Laws, and such other property shall be presumed to have been taken from state lands: Provided that the intermingling of such property shall only apply to cases having been adjudged as wilful trespass. ('95 c. 163 s. 7)

104+240.

See 1905 c. 204 s. 1

2443. Recovery from tenants, etc.—If any person holds or continues in possession of any lands mentioned in this chapter, contrary to the conditions or covenants of any lease, certificate of sale, or other written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action for the recovery of possession of such lands, and damages for the detention of the same. (3993)

See 1905 c. 204 s. 2

2444. Duties of attorney general—The attorney general shall prosecute, or cause to be prosecuted by the county attorney, whenever, in his opinion, the public interest so requires, any person who may be charged with any indictable offence under this chapter. (3995)

See 1905 c. 204 s. 3

2445. Same—County attorneys—The county attorneys of the several counties shall promptly report to the auditor all trespasses committed upon the lands mentioned in this chapter which may come to their knowledge, and, when directed by the attorney general, shall prosecute all actions for any trespass or injury thereto, or for the recovery of the possession thereof, or otherwise. (3994)

See 1905 c. 204 s. 4

2446. Damages to state—All damages recovered on behalf of the state for any trespass or other injury upon or to any of the lands in charge of the auditor shall be paid over to the state treasurer, for the benefit of the fund to which the same properly belongs. (3989)

See 1905 c. 204 s. 5

2447. Court to charge grand jury—Every court having jurisdiction thereof shall charge the grand jury, at each term of such court, to inquire into all offences against the provisions of this chapter, and to present any person who may be guilty of any such offence within their county. (3991)

See 1905 c. 204 s. 6

TIMBER LANDS

2448. Duties of auditor—The auditor shall make thorough inquiry into the extent, character, and value of the lands belonging to the state which are chiefly valuable for the timber thereon. He shall take such measures as will protect such timber from damage or loss by fire, trespass, or otherwise; and he shall make such regulations, in conformity with the other provisions of this chapter, for the care and control of such lands, and for the sale of the timber thereon, as will best protect the interests of the state. ('95 c. 163 s. 17)

See 1905 c. 204 s. 7

2449. Sale of timber—The auditor may sell the timber on the pine lands in his charge, including tamarack and cedar timber thereon suitable for posts, telegraph poles, or railroad ties, when such timber is liable to waste, and not otherwise. When any such sale is made, the auditor shall issue to the purchaser a permit to cut and remove the same. Before any sale is made, the timber shall be estimated and appraised, but no sale shall be made on any estimate or appraisal made more than three years prior thereto. ('95 c. 163 s. 11)

See 1905 c. 204 s. 8

62-99, 64+81.

2450. State estimators—The auditor may appoint such state estimators as may be necessary to examine the lands in his charge, and to estimate and appraise the timber thereon; and he may discharge such estimators from time to time, as he deems best. Each estimator shall be a citizen of the state, an experienced land surveyor, and acquainted with the value of pine lands and stumpage, and shall have had at least five years' practice in surveying and

estimating such lands and the timber thereon. Before any person is so appointed, he shall file with the auditor an affidavit showing that he possesses all the qualifications aforesaid. At the time of his appointment he shall give a bond to the state in at least the sum of five thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by the auditor, and, with the required oath, filed in his office. ('95 c. 163 ss. 11, 14, 15)

See 1905 c. 204 s. 9

2451. Same—Appraisal—Report—Whenever the auditor shall call upon any estimator so to do, he shall examine any lands designated, and estimate and appraise the timber thereon, and make report thereof. Such report shall be made from his field notes made on the land, and be by him entered in his own hand in a book kept in the auditor's office, and known as the record of appraisals. Such entry shall be dated when made, and subscribed and sworn to upon the record. At the same time the estimator shall file in said office all plats and field notes made by him, and affix his signature to each plat and to each page of the field notes. ('95 c. 163 ss. 11-13)

See 1905 c. 204 s. 10

2452. Contents of report—No such report shall embrace more than one forty-acre tract, or one fractional lot, according to the government survey. The report shall state the amount of each kind of timber subject to sale which measures not less than eight inches in diameter twenty-four feet from the ground; the value per thousand feet of all such timber; the amount and value of all timber below the above standard, including pine, tamarack, and cedar posts, telegraph poles, and railroad ties; the distance of the timber from the nearest lake, stream, or railroad, and the character of the haul; what amount, if any, of the timber has been burned, and the extent and character of the burning; the situation of the timber, relative to risk from fire or damage of any kind; the date of the examination; the number of hours spent and the expense necessarily incurred in making the same, and in going to and returning from the land; and that the estimator was actually upon the land when he made his estimate. ('95 c. 163 ss. 12, 13)

See 1905 c. 204 s. 11

2453. False report—Every state estimator who shall make a false report, or insert in any such report any false statement, date, estimate, or appraisal, or who shall make any such report without having examined the land embraced therein, or who, in making any affidavit as to his qualifications for appointment, shall insert therein any false statement, shall be deemed guilty of a gross misdemeanor. ('95 c. 163 s. 16)

See 1905 c. 204 s. 12

2454. Board of timber commissioners—The governor, auditor, and treasurer shall constitute the board of timber commissioners, of which the governor shall be chairman. The auditor shall be secretary, and shall make full minutes of each meeting, which shall be signed at the time thereof by the commissioners present. The governor and one other member shall be a quorum for the transaction of business. Before any timber is sold, the auditor shall submit to the board, which shall meet from time to time upon call of the governor, the question of such sale, and shall produce the record of appraisals of such timber; and the board shall examine the same, together with such other documents and records and such witnesses as it may require. If the governor and at least one other member of the board shall so determine, they shall enter upon the record of appraisals a statement, dated and signed by them, that such timber is subject to sale, and the sale is necessary to protect the state from loss. Thereafter, and not before, the auditor may make such sale. Whenever any member of the board becomes satisfied, before issuance of a permit, that, by reason of fraud or misstatement on the part of any estimator, witness, or officer, or by reason of any combination or irregularity, the interests of the state so demand, he shall withdraw his approval of any sale, by an entry signed by him upon the record of appraisals. ('95 c. 163 ss. 18, 19)

See 1905 c. 204 s. 13

2455. Special agent—The governor, whenever, in his judgment, the interests of the state so demand, may appoint an agent to investigate the correct-

ness of any estimator's report, or to ascertain whether any timber proposed to be sold is subject to sale, or whether any trespass has been committed on state lands, or to ascertain the weight and quality of ore mined on state lands, and may send such agent to examine such timber or lands. The agent shall act independently of the auditor and estimators, and shall report in writing to the governor, who may pay such agent out of his contingent fund. ('95 c. 163 s. 19)

See 1905 c. 204 s. 14

2456. Public auction—Notice—No timber shall be sold, except to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the record of appraisals. All sales, except as provided in § 2457, shall be held at the capitol. The auditor shall give eight weeks' published notice thereof in St. Paul in the following form:

NOTICE OF SALE OF STUMPAGE ON STATE LANDS

Notice is hereby given that I will offer for sale at public auction at the state capitol, in St. Paul, on the day of, 19...., at o'clock m., certain timber belonging to the state and liable to waste.

An official copy of the list of lands upon which said timber is situated will be furnished by me to all applicants on and after the day of, 19.... Said list will be published, in connection with this notice, once a week for three weeks next prior to said sale.

Dated, St. Paul, Minn., this day of, 19....

State Auditor.

At least thirty days before the date of sale, the auditor shall compile a list containing a description of each tract of land upon which any timber to be offered is situated, and a statement of the quantity of timber thereon, as shown by the official estimate. No description shall be added after the first publication of the list, and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all applicants. Such list, with a statement that it is the list referred to, shall be published in accordance with said notice. A copy of such list and notice shall be conspicuously posted in the office of the auditor of each county in which any of said lands are situated at least fifteen days prior to the date of sale. ('95 c. 163 s. 21)

See 1905 c. 204 s. 15

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2457. Stumpage in small parcels—The auditor may sell the stumpage on any tract of pine land not exceeding one section in area, where such stumpage does not exceed one hundred thousand feet, at public auction, to the highest bidder, for cash, at the county seat of the county in which such tract is situated; the whole of the purchase price to be paid at the time of sale. He shall give three weeks' published notice at such county seat of any such sale. In all other respects such sale shall be subject to all the restrictions and conditions applicable to the sale of other timber. ('95 c. 163 s. 21)

See 1905 c. 204 s. 16

2458. Annual and emergency sales—Except as provided in this section and § 2457, there shall be only one sale of timber in each year, which shall be held not later than November 15, and may be adjourned from day to day, but no longer, until completed: Provided, that in case of emergency, if the board of timber commissioners shall unanimously determine that it is for the best interests of the state that a second sale shall take place before the next regular sale, it shall be held under the same regulations, so far as practicable, as are provided for regular sales, except that the notice of sale shall contain the description of the tracts on which the timber to be sold is situated, and shall state that the sale is to be held pursuant to the recommendation of said board, and shall be published at least once each week for three weeks next prior to the date of sale. ('95 c. 163 s. 22)

See 1905 c. 204 s. 17

2459. Cash payment—The purchaser at any sale of timber, except in the cases provided by § 2457, shall pay to the state treasurer twenty-five per cent. of the appraised value, and the treasurer shall issue duplicate receipts therefor,

one of which shall be delivered to the purchaser, and the other filed with the auditor. In case any purchaser fails to make such payment, the auditor shall immediately reoffer said timber for sale, but no bid shall be received from the person so failing. ('95 c. 163 ss. 23, 24)

See 1905 c. 204 s. 18

2460. Permit—Upon the delivery and filing of the duplicate receipts mentioned in § 2459, the auditor shall issue to such purchaser a permit in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber, therein described, according to the provisions of this chapter. Such permit shall be correctly dated and executed by the auditor, and signed by the purchaser. No permit shall cover more than two logging seasons, and the timber shall be cut and removed within the time specified therein. Not more than one section, according to the government survey, shall be described in any one permit, and no permit shall be issued to any person other than the purchaser in whose name the bid was made. The permit shall state the amount of timber estimated to be thereon, the estimated value thereof, and the price at which it is sold, or the price per thousand feet in case it is sold by the thousand feet, and shall specify the bark mark to be used. A separate bark mark shall be used on the timber cut under each permit, and, if the permit covers more than one season, it shall specify a separate mark to be used in each season. It shall provide that the purchaser shall place the specified bark mark upon every piece of timber cut, and also plainly upon the end thereof the stamp mark "M I N," and that, in case of any failure to place both bark and stamp mark upon any such piece, the state shall have the right to take possession of the same wherever found. It shall contain such other provisions as may be necessary to secure to the state the title to all timber cut thereunder, wherever found, until full payment therefor, and until all the provisions of the permit have been fully complied with. It shall also provide that all the timber standing on the land and sold shall be cut; that the same shall be cut clean, acre by acre, without damage to other timber; that the purchaser shall pay to the state the permit price for all timber, including timber which he fails to cut and remove, and the amount of the fees of the surveyor general; and that he shall, in writing, notify the surveyor general for the district, and also the auditor, at least fifteen days before any cutting is done, at what time such cutting will begin, and, at least fifteen days before any timber is removed from the land, at what date such removal will begin. Any permit failing to conform to the requirements of this section shall be void on its face. All permits shall be filed for record with such surveyor general. ('95 c. 163 ss. 23, 24)

See 1905 c. 204 s. 19

2461. Bond of purchaser—The purchaser, before execution of any permit, shall give bond to the state, in double the value of the timber covered by the permit, as shown by the amount of the bid and the record of appraisals as to quantity, conditioned upon the faithful performance of the terms of said permit, and all requirements of law in respect to such sales, which bond shall be approved in writing by the auditor, and filed for record in his office. No member of any firm or corporation which is the purchaser of such timber shall be accepted as a surety. ('95 c. 163 s. 25)

See 1905 c. 204 s. 20

2462. Extension of permit—No permit shall be extended, except for good and sufficient reasons, and by unanimous consent of the board of timber commissioners, and no extension shall be for more than one year. When any extension is granted, a bark mark shall be agreed upon for the third season. ('95 c. 163 s. 24)

See 1905 c. 204 s. 21

2463. Assignment—The assignment of any permit shall be executed in the same manner as a deed of land, and shall be acknowledged. No assignment shall be operative without the approval of the auditor, who, if he shall approve the same, shall indorse his approval thereon, and record the assignment in his office. Before any such approval, the assignee shall give to the state a bond, which shall be substantially in the form and subject to the rules provided for the bond to be given by an original purchaser; but the original bond

given by the purchaser, and any bond given by any prior assignee, shall remain in full force. ('95 c. 163 s. 24)

See 1905 c. 204 s. 22

2464. Void sales—Any sale of timber made by fraud or mistake, or in violation of the provisions of this chapter, shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. ('95 c. 163 s. 20)

See 1905 c. 204 s. 23

2465. Failure to cut—If the purchaser of any timber, or his assignee, fails to cut and remove any part thereof before the expiration of the permit, he shall nevertheless pay the price therefor; but under no circumstances shall he cut or remove any such timber after the expiration of the permit or extension thereof. Sureties on bonds of purchasers or assignees shall be liable for violations of this section. ('95 c. 163 s. 26)

See 1905 c. 204 s. 24

2466. Surveyor general—Duties—Reports—The surveyor general of each district shall scale all timber cut on pine lands in charge of the auditor therein. All scaling shall be done upon the land from which the timber was cut, and all logs scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler. On or before May 15 in each year, each surveyor general shall make to the auditor separate reports of all such timber by him scaled, covering the different tracts of land embraced in the respective permits. Each report shall describe the land on which the timber was cut, and state the names of the person cutting, the person for whom the cutting was done, and the person hauling the timber, the kind, character, and amount of the timber, the bark and stamp marks used thereon, the number of logs or pieces, and the total number of feet. Each report shall also state specifically whether the scaling was done upon the land from which such timber was cut; whether such timber was cut according to the provisions of the permit; whether the land has been cut clean acre by acre, so far as the cutting has been made; whether the cutting was done without unnecessary waste or damage, and, if not, the amount of the consequent damage to the state; whether the timber has all been cut, and, if not, how much has been left standing; whether all timber has been scaled and reported; and whether the bark and stamp marks specified in the permit have been plainly placed upon each piece of timber. Each surveyor general shall also report to the auditor every trespass committed upon the state pine lands in his district; and the auditor shall immediately cause such report to be investigated, and, if found true, shall cause such trespass to be estimated, scaled, and appraised, and report the same to the attorney general for prosecution. ('95 c. 163 s. 27)

See 1905 c. 204 s. 25

2467. Rescale—If the auditor shall question the scale reported by any surveyor general, he may demand a rescale, and in such case shall serve upon such surveyor general a written notice containing a description of the tract on which a rescale is demanded. The surveyor general shall thereupon appoint one of his deputies, who, together with a state estimator appointed by the auditor for that purpose, shall make a correct scale of all timber embraced in the permit covering such tract, whether the same has been cut and removed, or remains cut or standing on such land; and a report of such scale shall be made and signed by them, and filed for record with the auditor. Such report, if both such deputy and such estimator agree upon the scale, shall be final and binding upon the state and the purchaser. If it shall appear by said rescale that the first scale was practically correct, the state shall pay such surveyor general the sum of five dollars for each day necessarily spent by his deputy in making such rescale, in addition to all necessary expenses incurred by him in traveling to and from such land; but, in case of a material difference in the two scales, the surveyor general shall not be entitled to compensation for such rescale. A scale made under this section may be a top and stump scale. ('95 c. 163 s. 27)

See 1905 c. 204 s. 26

2468. Violation of duty—Any surveyor general who shall fail to scale all the timber cut on state pine lands in his district as required by this chapter,

or who shall scale any such timber on land other than that on which the same was cut, or who shall fail to make a complete report of timber scaled by him on each tract of land covered by any permit, or who shall in any such report include timber cut on tracts covered by different permits, or who shall neglect to report any case of trespass, or who shall appoint any deputy otherwise than as provided by law, or who shall fail to comply with any of the provisions of this chapter, shall be guilty of a gross misdemeanor. ('95 c. 163 s. 28)

See 1905 c. 204 s. 27

2469. Fees—The fees of the surveyor general for scaling timber as provided in this chapter shall, in the first instance, be paid by the state, and shall be ten cents per thousand feet on all timber scaled under one permit up to five hundred thousand, and five cents for each thousand feet in excess thereof. Such fees shall be paid by the purchaser or his assignees. ('95 c. 163 s. 29)

See 1905 c. 204 s. 28

2470. Failure to mark—Sale before payment—Every person who shall cut timber on state lands, and fail to mark the same as provided by the permit, or shall place any other mark thereon, and every person who shall sell, transfer, or manufacture any timber cut on state lands, before the amount due to the state therefor shall have been paid, shall be guilty of a gross misdemeanor. ('95 c. 163 s. 30)

See 1905 c. 204 s. 29

2471. Deputy surveyors general—Compensation—For the purpose of carrying out the provisions of this chapter, the surveyor general of each district may appoint as many deputies as he deems necessary; and he may discharge such deputies at any time, and, in case of such discharge, shall immediately give written notice thereof to the auditor. No person in the employ of any person transacting a lumbering or logging business shall be so appointed. Each deputy shall be a man of experience, and capable of determining, from the description according to the government survey, the location of the land described. Each deputy shall give a bond to the state, in at least the sum of one thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by such surveyor general, and, with the required oath and a duplicate of the appointment, shall be filed with the auditor within thirty days after the appointment is made. Such deputies shall receive compensation for their services directly from the surveyors general, and in no other manner. ('95 c. 163 s. 31)

See 1905 c. 204 s. 30

2472. Discharge of deputy—If the auditor shall be of the opinion that any such deputy has violated any provision of this chapter, or is incompetent or unfaithful, he may present the matter to the board of timber commissioners, and, if the board shall determine that such opinion is well founded, it shall give to the surveyor general written notice of such determination, and he shall forthwith discharge such deputy, who shall not be reappointed. ('95 c. 163 s. 34)

See 1905 c. 204 s. 31

2473. Violation of duty—Every deputy surveyor general appointed under the provisions of this chapter, who shall accept any compensation for his services as such, or any gratuity, directly or indirectly, from any other person than the surveyor general of the district in which he is appointed, or who shall knowingly make any false report of timber scaled, or insert in any such report any false statement, or omit from any such report any statement required by law to be made therein, or who shall fail to report to such surveyor general any trespass committed upon the state pine lands in such district which has come to his knowledge, shall be guilty of a gross misdemeanor. ('95 c. 163 s. 33)

See 1905 c. 204 s. 32

2474. Timber sales book—The auditor shall keep a record of all sales of timber in a book to be known as the timber sales book, and shall enter therein at the time each tract of timber is sold, and before selling another tract, the name of the purchaser, the price, and a description of the tract on which the timber is situated. ('95 c. 163 s. 35)

See 1905 c. 204 s. 33

2475. Stumpage book—The auditor shall keep a stumpage book, in which he shall enter the description of each tract of land in his charge on which tim-

ber is located; the name and the date of the report of the estimator; the kind, amount, and value of the timber as shown by such report; the date of the approval of the sale of the timber; the date of sale; the price for which the timber was sold; the name of the purchaser; the number, date, and date of expiration of each permit; the bark and stamp marks specified therein; the date of any assignment of the permit; the name of the assignee; the dates of the filing and the amounts of the respective bonds given by the purchaser and the assignee; the names of the sureties thereon; the amount of timber taken from the land; the date of the report of the surveyor general; the marks used upon the timber and reported; the name of the deputy who scaled the timber; the amount paid and the date of payment, together with a specific reference to all correspondence relating to the land covered by the permit. ('95 c. 163 s. 35)

See 1905 c. 204 s. 34

2476. Payment—Bill of sale, etc.—Upon receipt of the surveyor general's report of the amount of timber cut under any permit, the auditor shall prepare a statement of the amount due therefor by the terms of the permit, including the fees of the surveyor general, and shall place in the hands of the state treasurer a duplicate thereof. Payment of such amount shall be made by the purchaser or the assignee, as the case may be, to the treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the auditor, whereupon he shall execute a bill of sale of such timber, and a transfer of the mark thereon, to the purchaser or assignee. The bill of sale and transfer shall describe the timber, its quantity and character, and the land from which it was cut, and shall be by such purchaser or assignee filed for record with the auditor and with the surveyor general of the district in which such timber was cut. ('95 c. 163 s. 36)

See 1905 c. 204 s. 35

2477. Same—How enforced—If the amount of such statement be not paid immediately, it shall bear interest at the rate of eight per cent. per annum from date; and, if not paid within thirty days, the treasurer shall place the account in the hands of the attorney general, who shall proceed forthwith to collect the same. Whenever the auditor shall deem it for the best interests of the state, he shall take possession of the timber for which such amount is due, wherever the same may be found, and sell the same at public auction. The proceeds of such sale shall be applied, first, to the payment of the expenses of seizure and sale; and, second, to the payment of the amount due for such timber, with interest; and the surplus, if any, shall belong to the state; and, in case a sufficient sum is not realized to pay such amounts in full, the balance shall be collected by the attorney general. Neither payment of such amount, nor the recovery of judgment therefor, nor satisfaction of such judgment, nor the seizure and sale of such timber, shall release the sureties on any bond given pursuant to this chapter, or preclude the state from afterwards claiming that such timber was cut or removed contrary to law, and recovering damages for the trespass thereby committed, or from prosecuting the offender criminally. ('95 c. 163 s. 37)

See 1905 c. 204 s. 36

2478. Settlement for trespass—The auditor may compromise and settle any case of trespass on lands in his charge, whenever, in his judgment, it is for the best interests of the state so to do; but he shall make no such settlement until he has had the timber taken under such trespass estimated and appraised by a state estimator, whose report shall be filed in his office, and no settlement shall be made for an amount less than double the value of the timber as shown by such report. ('95 c. 163 s. 38)

See 1905 c. 204 s. 37

2479. Record of trespasses—The auditor shall keep a book in which he shall enter all trespasses reported, with minutes of all estimates and appraisals and settlements thereof, together with references to any correspondence relating thereto. ('95 c. 163 s. 39)

See 1905 c. 204 s. 38

2480. Seizure of timber, etc.—The auditor may take possession of any timber or other property wrongfully taken from the lands in his charge, wherever found, and sell the same at public auction to the highest bidder for cash; and all moneys arising therefrom, after paying the expenses of seizure and sale,

shall be paid into the state treasury to the credit of the proper fund. Whenever any such timber or property has been so taken by wilful trespass, and the trespasser has intermingled the same with other timber or property, the state may seize and sell the whole quantity so intermingled, and such other timber or property shall be presumed to have been taken from state lands. ('95 c. 163 ss. 7, 40)

See 1905 c. 204 s. 39

2481. Timber defined—"Timber," as used in this chapter, shall be construed to mean trees, whether standing or cut, logs, posts, poles, ties, paving blocks, laths, shingles, and lumber of every description. ('95 c. 163 s. 42)

See 1905 c. 204 s. 42

2482. Records as notice—The records kept by the auditor, pursuant to this chapter, shall be deemed notice of the facts therein set forth.

MINERAL LANDS

2483. Reservation of minerals—The state hereby reserves for its own use all the iron, coal, copper, gold, and other valuable minerals in or upon all lands which now, or hereafter may, belong to it by virtue of any act of Congress: Provided, that this reservation shall not apply to lands granted or contracted to be conveyed by the United States or by this state to aid in the construction of any railroad. ('01 c. 104 ss. 1, 2)

2483-2495
99-M - 220
108-NW 958
2483
09 - - 109
2483-2495
09 - - 49
99-M - 222

2484. Certificate of sale, patents, etc.—Reservation—When any such land is sold, granted, conveyed, or transferred in any way, the certificate of sale, patent, or other instrument of transfer shall state that such sale, grant, conveyance, or transfer does not include any right, title, or interest in or to any iron, coal, copper, gold, or other valuable minerals which may be in or upon such land, and that all such minerals are reserved by the state for its own use; but no instrument shall be effective to transfer any right, title, or interest in or to any such minerals, notwithstanding the failure of the proper officer to insert such statement. ('01 c. 104 ss. 4, 5)

2484
07 - - 411

2485. Disposition of minerals reserved—All minerals in or upon lands which have been or may be sold, granted, conveyed, or in any way transferred by the state shall remain subject to sale, lease, or contract by the state, upon the same terms and conditions as are minerals upon lands belonging to the state; and the state, and all persons claiming under it, shall have the right to enter upon such lands, and to prospect for, mine, and remove such minerals, and for such purpose to construct all necessary roads, buildings, and improvements thereon, including machinery for mining or removing such minerals. All such minerals shall be disposed of by the auditor in the same manner and on the same terms as minerals on lands belonging to the state. ('01 c. 104 s. 3)

2485
07 - 177
07 - 350
07 - 411

2486. Prospecting permits—Leases—The auditor may execute permits to prospect for iron ore upon lands belonging to the state, and leases for the mining of such ore, subject to the conditions hereinafter provided. (4076; '95 c. 105 s. 1)

2486
07 - 14
07 - 411

46-495, 49+255; 54-17, 55+749; 92-355, 100+91.

2487. Application for permit—Payment—Applications for permits to prospect for iron ore shall be presented to the auditor, either by the applicant in person or by mail, and shall be in such form as the auditor may prescribe. The application shall describe the lands to be embraced in the permit, which shall consist of contiguous descriptions, and shall not exceed in the aggregate one hundred and sixty acres, unless some of the descriptions are fractional subdivisions, in which case the acreage may exceed that number. The auditor shall indorse upon each application the exact time of presentation, and shall preserve the same in his office. Before any permit shall be granted, the applicant shall pay to the state treasurer twenty-five dollars; and the first applicant who either tenders said sum to the auditor, or pays it to the treasurer on the order of the auditor, shall be entitled to receive a permit. (4077; '95 c. 105 s. 2; '97 c. 312; '03 c. 225)

2487
07 - 14

92-355, 361, 100+91.

2488. Applications at same time—When two or more persons apply for a permit for the same land at the same time, the applicant who bids the largest

2488
07 - 14

sum therefor shall receive a permit for such land. "Persons applying at the same time" shall be construed to mean all persons who present applications at the office of the auditor within the same minute, or who at the same time stand in line in said office, and forthwith advance and present applications. All applications received by the same mail delivery shall be deemed to be made at the same time. When two or more such applications are received by mail at the same time, the auditor shall fix a time at which such permit will be offered at his office to the highest bidder among such applicants, and shall send notice by registered mail to each of them at least ten days before such time. All such applicants may attend at such time and place and bid for such permit, or may submit bids therefor to the auditor by registered mail, each bid so submitted to be accompanied by certified check for the amount thereof; but no such bid shall be considered unless actually in the hands of the auditor at the time and place fixed. If any application is received by mail at the same time when any personal application for such permit is received, the proceedings shall be the same as when two or more applications are received by mail at the same time, and all such applicants shall receive notice, and be entitled to bid therefor. ('95 c. 105 s. 2; '97 c. 312; '03 c. 225)

54-17, 55+749.

07 2489 - 411

2489. Rights under permit—The holder of any such permit shall have the right to prospect for iron ore on the land described therein for one year from the date thereof, and no longer; but no ore shall be removed therefrom until a lease has been executed: No permit for the same land shall be issued to the same person for two years in succession. (4077; '95 c. 105 s. 2; '97 c. 312; '03 c. 225)

2490. Mining lease—At any time prior to the expiration of any prospecting permit, the original holder, or any assignee thereof, shall have the right to receive from the auditor a mining lease, which shall bind the state and the person to whom it shall issue to the mutual observance of the obligations and conditions thereof. (4078; '95 c. 105 s. 3; '03 c. 317)

2491. Form of lease—The lease provided for in § 2490 shall be as follows:

07 2491 - 310
07 - 411

This indenture, made thisday of....., 19...., by and between the state of Minnesota, party of the first part, and....., part... of the second part,

Witnesseth, That the party of the first part, for and in consideration of the sum of one hundred dollars to it in hand paid by the part... of the second part, being the first annual payment hereinafter provided for, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions hereof, to be kept and performed by the part... of the second part, does hereby lease and demise unto the part... of the second part, for the term of fifty years from and after the..... day of....., 19...., the following described land, situated in the county of....., in the state of Minnesota, to wit:.....; which premises are leased to the part... of the second part for the purposes of exploring for, mining, taking out, and removing the merchantable shipping iron ore found on or in said land, together with the right to construct or make such buildings, excavations, openings, ditches, drains, railroads, wagon roads, and other improvements upon said premises as may be necessary or suitable for such purposes. The party of the first part reserves the right to sell and dispose of, under the provisions of law now or hereafter governing the sale of timber on state lands, all the timber upon the land hereby leased, and reserves to the purchaser of such timber, his agents and servants, the right at all times to enter thereon, and to cut and remove any and all such timber therefrom, according to the terms of the purchaser's contract with the state, and without let or hindrance from the part... of the second part; but such purchaser shall not unnecessarily or materially interfere with the mining operations carried on thereon. And the party of the first part further reserves the right to grant to any person or corporation the right of way necessary for the construction and operation of one or more railroads over or across the land hereby leased, without let or hindrance from the part... of the second part; but such

railroads shall not unnecessarily or materially interfere with the mining operations carried on thereon. And the party of the first part agrees that the part. . . . of the second part shall have the right to contract with others for the working of such mines, or any part thereof, or for the use of such land, or any part thereof, for the purpose of mining iron ore, with the same rights and privileges as are hereby granted to the part. . . . of the second part.

The part. . . . of the second part hereby covenants and agrees with the party of the first part that the part. . . . of the second part will, on or before the twentieth day of April, July, October, and January in each year, during said term, or during the period this lease continues in force, pay to the treasurer of said state, for all the iron ore mined and removed from said land during the three months preceding the first day of the month in which such payment is to be made, a royalty of twenty-five cents per ton; each ton to be reckoned at twenty-two hundred and forty pounds. The part. . . . of the second part, at the time of such payment, shall transmit to the auditor of said state an exact and truthful statement of the amount of iron ore removed during the three months for which such payment is made. The iron ore so taken by the part. . . . of the second part from said land shall be weighed by the railroad company transporting the same from said land; and the part. . . . of the second part shall transmit to said auditor monthly statements showing the aforesaid weights. Such weights shall prima facie determine the quantity as between the parties, but the party of the first part shall have the right at any time, and in such manner as it may see fit, to inspect, review, and test the correctness of the railroad company's scales and of the aforesaid weights; it being understood that any errors in these respects, when ascertained, shall be corrected. The party of the first part shall have the right to enter upon and into said premises at any time, and to inspect and survey the same, and to measure the quantity of ore which shall have been mined or removed therefrom, not unreasonably hindering or interrupting the operations of the part. . . . of the second part. And the part. . . . of the second part further covenants and agrees that within five years after the completion of a railroad within one mile from said land there shall be mined and removed therefrom at least one thousand tons of iron ore, and that thereafter there shall be mined and removed therefrom at least five thousand tons annually, and that in case the part. . . . of the second part shall not annually remove from said land five thousand tons, as above provided, the part. . . . of the second part shall pay to the said state treasurer annually a royalty of twenty-five cents per ton on five thousand tons, which payment shall be made quarterly as hereinbefore specified. And the part. . . . of the second part further covenants and agrees that up to the time when the first one thousand tons is required to be mined and removed, as hereinbefore provided, the part. . . . of the second part shall on the first day of August in each year pay to the state treasurer the sum of one hundred dollars. And the part. . . . of the second part further covenants and agrees as follows: That during said term the part. . . . of the second part will pay all taxes, general and specific, which may be assessed against said land, and the improvements thereon, and the iron ore product thereof, and any personal property at said mines, in all respects as if said land were owned in fee by the part. . . . of the second part; that the part. . . . of the second part will open, use, and work said mines 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 lands, and in such manner as not to cause any unnecessary or unusual permanent injury to the same, or inconvenience or hindrance in the subsequent operation of the same, and will deposit all earth, rock, and other useless materials or rubbish at such places and in such manner as will not embarrass subsequent operation, and that upon the termination of this lease the part. . . . of the second part will quietly and peaceably surrender the possession of said land to the party of the first part.

Provided, however, that the part. . . . of the second part shall have the right at any time to terminate this lease in so far as it requires the part. . . . of the second part to mine ore on said land, or to pay a royalty therefor, by delivering written notice of such termination to the state auditor, who shall, in writing,

acknowledge receipt of such notice, and this lease shall terminate sixty days thereafter; and all arrearages and sums which shall be due under this lease up to the time of such termination shall be paid upon settlement and adjustment thereof by the part. . . . of the second part.

Provided, further, and this lease is granted upon the express condition, that if any annual payment, or any payment for royalties, or any part of any such payment, shall remain unpaid after the expiration of sixty days from the time when the same was payable as herein provided, or in case the part. . . . of the second part shall fail to perform any of the covenants or conditions herein expressed to be performed by said part. . . . of the second part, then it shall be the duty of the state auditor to cancel this lease, first having given to the part. . . . of the second part at least twenty days' notice in writing thereof, whereupon the party of the first part shall re-enter and again possess said premises as fully as if no lease had been given to the part. . . . of the second part, and the part. . . . of the second part and all persons claiming under such part. . . . shall be wholly excluded therefrom.

It is mutually agreed that upon the termination of this lease, whether by act of either party or by limitation, the part. . . . of the second part shall have ninety days in which to remove all engines, tools, machinery, railroad tracks and structures placed or erected by the part. . . . of the second part upon said land; but the part. . . . of the second part shall not remove or impair any supports placed in said mines, or any timber or frame work necessary to the use or maintenance of shafts or other approaches to the mines, or tramways within the mines. The party of the first part reserves, and shall at all times have, a lien upon all ore mined, and upon all improvements made by the part. . . . of the second part upon the premises, for any unpaid balances due under this lease.

The covenants, terms, and conditions of this lease shall run with the land, and be in all respects binding upon all sublessees and grantees under the part. . . . of the second part. (4079; '95 c. 105 s. 4)

2492. Re-entry on default—The state auditor is hereby empowered in case of default or failure on the part of the person obligated thereby, to fully comply with the covenants and conditions of the lease described in § 2491, to at once enter upon the premises described therein and take possession of the same. (4081)

2493. Permits, leases, and assignments—Filing—Copies—The assignment of any prospecting permit or mining lease shall be signed by both parties, executed in the presence of two witnesses, and acknowledged, and the approval of the auditor shall be indorsed thereon. All such permits, leases, and assignments shall be filed with the auditor, and the date and hour of filing shall be indorsed thereon. On tender of his reasonable fees, he shall furnish a certified copy of any such instrument, with the indorsements thereon, which copy may be filed for record with any register of deeds. ('95 c. 105 s. 3; '03 c. 317)

2494. Payments—All payments under or on account of prospecting permits and mining leases shall be made to the state treasurer on the order of the auditor, and shall be credited to the permanent fund of the class of lands to which it properly belongs. (4080; '95 c. 105 s. 5)

2495. Discovery of other minerals—Should copper or other valuable minerals be discovered on land leased for mining iron ore, the terms and conditions on which such other minerals may be mined shall be agreed upon by the auditor and the lessee; and, in case they are unable to agree, each shall choose a referee, and the two referees so chosen shall choose a third. The decision of such board of referees shall be binding on the parties in interest. (4082; '95 c. 105 s. 7)

STATE PARKS

2496. Itasca state park—All the lands hereinafter described, or so much thereof as the state is or shall become seized of, shall be a public park, to wit: Section 6 in township 142 north, of range 35 west; sections 6, 7, 18, 19, 30, and 31, and the west half of the west half of the west half of sections 20, 29, and

32, in township 143 north, of range 35 west; sections 1, 2, 3, and 4 in township 142 north, of range 36 west; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 in township 143 north, of range 36 west; and all of the southwest fractional quarter of section 35 in township 144 north, of range 36 west, containing 152.80 acres, situated at the outlet of Itasca Lake. The name of the park shall be the "Itasca State Park," and it shall remain dedicated to the perpetual use of the people of the state under such restrictions as may be provided by law. ('95 c. 106 ss. 1, 2; '01 c. 52; '03 c. 218)

See 1905 c. 277

2497. Commissioner—Standing appropriation—The governor shall appoint a park commissioner, who shall reside in said park, and whose compensation shall be six hundred dollars per annum, which is hereby annually appropriated from the treasury for that purpose. He may reside in the building erected for his accommodation, use not exceeding twenty acres of land for agricultural purposes, keep ten head of stock, use for fuel any dead and down timber, and entertain visitors at a schedule of charges to be approved by the governor. He shall, under the direction of the governor, protect the game, fish, timber, and forests of the park, preserve the park in its natural condition, warn all persons against setting fires therein, and protect the buildings and other property of the state therein. On or before December 1 in each year he shall report to the governor the condition of the park, the amount of fines collected, and number of suits instituted for violation of the park law, together with such other information as may be of public interest or required by the governor. ('95 c. 106 ss. 6, 8; '01 c. 215 s. 3)

2498. Lands, how acquired—Standing appropriation—The attorney general, when requested by the governor, shall procure from persons owning land within the park limits concessions to the state for park purposes by contract or deed, subject to the approval of the governor. If satisfactory concessions cannot be so secured, the governor may direct the attorney general to acquire the title thereto by condemnation. The sum of five thousand dollars is hereby appropriated annually out of the treasury, or so much thereof as may be necessary, to pay for such lands. ('95 c. 106 s. 7)

2499. Same—School lands—The auditor shall take proper proceedings, under the provisions of this chapter relative to the appraisal and sale of school lands, to cause the sale of the school lands in the park, and at the sale thereof the same shall be bid in by the state for park purposes. ('95 c. 106 s. 5)

2500. Trespasses—Every person, including Indians, who shall wilfully cut, injure, or take any tree, shrub, timber, or plant in said park, or who shall kill, cause to be killed, or pursue with intent to kill any wild animal, or, except with the consent of the park commissioner, take any fish from the waters thereof, raise or lower any of the lakes or streams within said park, or set any fire therein, or who shall wilfully injure any building, improvement, or property of the state therein, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. ('95 c. 106 s. 4; '01 c. 215 s. 2)

2501. Dalles of the St. Croix Park—All land hereinafter described, or so much thereof as the state is or shall become seized of, shall be a public park, to wit: Block 11; the east half of River street; block 13; all that strip of land between block 13 and the St. Croix River; block 14; lots 16, 17, 18, 19 and 20 of block 15; block 16; block 18; block 35, except the right of way of the Northern Pacific Railway Company; blocks 36, 37 and 38; lots 1, 2, 20, 21 and 22 of block 39; lots 1, 8, 9, 10, 11, 12, 13, 14 and 15 of block 40; islands Nos. 1 and 2 in the St. Croix River; blocks 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127, except the right of way of said railway company; and all of School Land Addition of Taylors Falls, all in the town of Taylors Falls, in the county of Chisago, according to the recorded plats of said town and addition, together with all the streets, alleys, levees and parks abutting on said property, containing 150 acres, more or less. The name of said park shall be the "Interstate Park of the Dalles of St. Croix," and it shall remain dedicated to the perpetual use of the people, under such regulations as may be provided by law; and in carrying such regulations

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into effect, the governor of this state is authorized to confer and co-operate with the governor of Wisconsin, either personally or by joint commission, and such conference and co-operation may extend to all matters pertaining to acquiring, improving and preserving such park, and connecting such portions of the Interstate Park of the Dalles of the St. Croix as may lie in the different states by such bridges or other means as to them shall seem suitable and necessary. ('95 c. 169 ss. 1, 3)

2502. Commissioner—Standing appropriation—The governor may appoint a park commissioner, who shall have the general care and supervision of said park, under such rules and regulations as the governor may prescribe. The compensation of the commissioner shall be three hundred dollars per annum, which is hereby annually appropriated from the treasury for that purpose. ('95 c. 169 ss. 3, 4)

2503. Trespasses—Every person who shall wilfully cut or injure any tree, shrub, or plant in said park, or deface or injure any structure or improvement therein, or disturb or disfigure any rock or other object therein, or post or paint any bill, name or advertisement therein, or deposit anything in the natural wells therein, shall be guilty of a misdemeanor. ('95 c. 169 s. 6)

STATE FOREST RESERVES

2504. Lands included—The forest reserves of the state shall consist of all state lands which have been or may be set apart by the legislature, or granted by the United States and accepted by the legislature, for forestry purposes, and of all lands which have been or shall be acquired by the state therefor. ('99 c. 214 s. 1)

2505. Forestry board—There shall be a state forestry board, of nine members, composed of the state forestry commissioner, the professor of horticulture in the agricultural department of the university, and seven others appointed by the governor, each for the term of four years and until his successor qualifies. Three of said members shall be appointed upon the recommendation of the regents of the university, and, of the other four, one shall be appointed upon the recommendation of each of the following bodies: The state forestry association, the state agricultural society, the state horticultural society, and the state game commission—provided suitable persons be recommended by them to the governor not later than January 31 of the year in which such terms expire. The members now in office shall hold through the terms for which they were respectively appointed. So far as practicable, all such appointees shall be selected with reference to their knowledge of and interest in the planting and cultivation of trees in prairie regions, the preservation of natural forests, the reforestation of denuded lands, and the protection of the sources of streams. ('99 c. 214 s. 2)

2506. Secretary—Duties—The board shall appoint a secretary, who shall have charge of all books, maps, records, and documents of the board. He shall keep minutes of meetings of the board and of its executive committee, and shall prepare for printing all documents ordered published by the board. He shall cause maps to be made of all tracts of the forest reserves, which shall be open to public inspection; and he shall keep a record of the names and addresses of all beneficiaries hereunder. ('99 c. 214 s. 3)

2507. Other officers—In January of each year, or as soon thereafter as possible, the board shall elect a president and a vice-president. It may appoint an executive committee, on which it may confer authority to act for it in minor details which cannot conveniently be acted upon by the board; and it may appoint such other officers, agents, and employees as it may deem best. ('99 c. 214 s. 7)

2508. Forest reserves fund—Standing appropriation—All moneys appropriated for or otherwise devoted to the purposes of this chapter shall be paid into the state treasury, and credited to the forest reserves fund. All disbursements from such fund shall be made upon auditor's warrants, payable to the persons entitled thereto. Such warrants shall be issued only upon itemized vouchers

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furnished by the board, signed by its president and secretary, and designating the purpose of the expenditure, and upon what account it is payable. One thousand dollars is hereby appropriated annually for the expenses of the board, and no more than that sum shall be used for expenses in any one year. ('99 c. 214 s. 5)

2509. Power of board—Quorum—The board may enter into contracts in the name of the state; may adopt a seal; may make all reasonable rules and by-laws for its own government, and for the care, management, and preservation of the forest reserves; may cause actions to be brought in the name of the state to protect the state's interests in matters confided to its care; may lease, for income or for protection, meadow and pasture lands, where such use will not interfere with the growth of forest trees; may sell dead and down and mature timber, and other timber where the public interests will be subserved thereby; and may alienate any tract of land, when such alienation is demanded by the growth of towns, the building of railroads, or water power or other public improvements. A majority of the board shall be a quorum for the transaction of business. ('99 c. 214 ss. 7, 11)

2510. Duties of board—The board shall have the management of the forest reserves, and of all moneys appropriated therefor or accruing therefrom, and of all other property acquired therefor. It shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state. It shall report its doings, conclusions, and recommendations to the legislature at each session, and from time to time may publish and distribute information and advice of public interest. ('99 c. 214 s. 6)

2511. Expenses of members—The members of the board shall receive no compensation for their services as such, but they shall be repaid their reasonable expenses incurred in attending meetings of the board or executive committee, or in performing services at the request of either. ('99 c. 214 s. 4)

2512. Lands given for reserves—When the owner of any lands suitable for the forest reserves shall offer, in writing, to convey the same to the state for forestry purposes, the board shall refer the question of accepting such offer to the town and county boards where the land is situated, for their advice thereon, and shall consider all objections and recommendations submitted upon such question. The decision of the state board thereon shall be final. No conveyance of such lands shall be accepted unless the board shall be advised by the attorney general that the same are clear of liens except the liens of the state for taxes. If any land shall be devised to the state for forestry purposes, the question of the acceptance thereof shall be determined, as nearly as may be, in the same manner. ('99 c. 214 s. 9)

2513. Tax title lands, how set apart—All lands not included in the corporate limits of any city or village, or any platted town site, which were offered for sale for the payment of taxes which became delinquent prior to the year 1891, under Laws 1881 c. 135, or Laws 1893 c. 150, or Laws 1899 c. 322, and which became the property of the state under any of said acts, and remain undisposed of, and which are totally unfit for agricultural purposes, may become part of the forest reserves in the following manner: When the board shall desire to have any such lands so set apart, it shall submit the question whether such lands are totally unfit for agriculture to the county board, which shall report its determination thereon. Upon request of the forestry board, embodied in a resolution describing such lands so found to be unfit, the attorney general, in all cases in which a right to redeem exists, shall cause notice of the time when the redemption period will expire to be given, in the same manner as is required of the holder of a tax certificate; and each notice shall have the same effect to bar the right of redemption as notice given by such holder. The attorney general shall also bring any action in the name of the state necessary to quiet its title. The county attorney, when requested by the attorney gen-

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eral, shall prosecute such actions, for each of which he shall receive five dollars, and the attorney general shall furnish blank forms therefor. When the state's title to any such tract has been quieted, the attorney general shall so certify, and thereupon it shall become a part of the forest reserves. There is hereby appropriated annually one thousand dollars for paying the expenses incurred in bringing such actions, but no such expenses shall be paid except on vouchers of the forestry board, approved by the attorney general. ('01 c. 335)

2514. Lands purchased for reserves—The board is authorized to purchase for the forest reserves, at a price not exceeding two dollars and fifty cents per acre, any land, preferably at the sources of rivers, which is adapted for forestry, but not to exceed in any one township one-eighth of the area thereof; and no money shall be paid therefor until the attorney general certifies that the deed thereof conveys a clear title to the state. ('03 c. 134)

2515. Income, how disposed of—The accumulated net income from each tract of land acquired under §§ 2512–2514 shall be divided by the board at least once in every five years, and paid over as follows: One-half to the state, and one-quarter to the town, and one-quarter to the county in which such tract is situated. ('99 c. 214 ss. 10, 11; '01 c. 335 s. 1)

UNITED STATES LANDS

2516. Relinquishment—Whenever any land has been erroneously certified or conveyed to the state by the United States, the governor may execute, under the seal of the state, a relinquishment or reconveyance thereof. (4128)

2517. Grant by municipal corporation—Whenever the United States shall desire land for any purpose of the government, which is owned by any city, town, county, or other municipal or quasi municipal corporation, or in which such corporation has any right, it shall be lawful for the governing body of such corporation to grant and convey the same to the United States. ('95 c. 269)

2518. United States survey—Damages—Any person employed, pursuant to the laws of the United States, in the execution of a survey, may enter upon any land in the state for the purpose of doing any act which may be necessary thereto, and may establish permanent station marks, and erect the necessary signals and temporary observatories. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either may petition the district court for the county in which the land is situated to assess the damages. The court shall appoint a time for a hearing as soon as may be, and order at least twenty days' notice thereof to be given to all parties interested, and shall, with or without view of the premises, as the court may determine, hear the parties and assess the damages. The person so entering upon the land may tender to the injured party damages, and if, in case of a petition, the damages assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the other party shall recover costs. (4122–4125)

2519. Injury to signal, etc.—Whoever wilfully defaces, injures, or removes any signal, monument, building, or other property of the United States erected or used in the coast and geodetic survey, pursuant to the laws of the United States, shall forfeit not exceeding fifty dollars for each offence, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action. (4126)