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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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CHAPTER 126.

STATE LOANS.

SECTION

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SECTION

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An Act to authorize a Loan of Two Hundred and Fifty Thousand Dollars, to defray the Current Expenses of the State.

✓ [Passed March 13, 1858.] C, 3

(1.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* Loan of \$250,000. That the governor and treasurer of the state of Minnesota be, and they are hereby authorized to borrow, at any time within six months from the passage of this act, on the credit of the state, the sum of two hundred and fifty thousand dollars, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually in the city of New York, which loan shall be paid and reimbursed in nine years from the time on which the same is negotiated; which money so borrowed shall, on first being duly appropriated therefor, be applied in addition to whatever money may be in the treasury unappropriated to the defrayment of the current expenses of the state for the first fiscal year, commencing on the second day of December, A. D. 1857, and for the indebtedness of the state already accrued.

(2.) SEC. II. That the loan mentioned in section first of this act, shall be made upon state bonds, with coupons attached, issued and signed by the treasurer, and countersigned by the secretary of state, which bonds shall specify the rate of interest, and time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than five hundred dollars, and shall specify therein to whom the same shall be made payable. State bonds to be issued therefor.

(3.) SEC. III. The state shall annually, in addition to the taxes levied for the current expenses of the state, levy a tax sufficient to pay the interest of the loan provided for in this act. Interest tax.

(4.) SEC. IV. There shall also be levied the annual tax of twenty-seven thousand seven hundred and seventy-seven dollars and seventy-seven cents, to be held and retained as a sinking fund with which to cancel the bonds mentioned in this act, at the time the same shall become due. Principal tax.

(5.) SEC. V. The tax above mentioned in section four of this act, shall be invested annually by the treasurer of the state of Minnesota, in United States and Minnesota state stocks, or in case the same cannot be Annual tax for principal to be invested.

obtained at par or under, then in other state stocks on which the interest is regularly paid, which stocks shall be equal to six per cent. stocks, and which he shall procure at as low rates as the same can be purchased, which stocks shall be held and retained by the treasurer until the time the loan mentioned in this act shall become due, and shall then be disposed of, and the proceeds of the sale of such United States stocks shall be appropriated to the payment of the loan authorized in this act.

Payment of interest.

(6.) SEC. VI. That whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the treasurer of the state, upon presentation at such banking house in the city of New York as the treasurer shall designate, of the coupons for the interest then due.

Treasurer to procure blank bonds.

(7.) SEC. VII. The treasurer of the state is hereby authorized, and it is made his duty, to obtain blank bonds with suitable devices to prevent counterfeiting, and of such material as he may deem proper.

Credit of the state pledged.

(8.) SEC. VIII. The credit of the state is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due.

Act take effect when.

(9.) SEC. IX. This act shall take effect from and after its passage.

An Act for the relief of the Creditors of the State.

[Passed January 29, 1858.] C. 4

Blank treasury drafts to be procured.

(10.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That the state auditor is hereby authorized and required to cause to be lithographed or engraved and printed in the best manner, to guard against counterfeiting, such quantity of warrants or drafts against the state treasurer, in blank, of different denominations not less than one dollar, nor more than twenty dollars, as shall be equal in amount to the present indebtedness, and the probable additional expenditure of the state for the next twelve months.

(11.) SEC. II. The warrants or drafts so to be lithographed or engraved and printed, of the denomination of one dollar, shall be printed and made in such convenient manner as will best admit of the fractional parts of a dollar, being inserted and written by the auditor after the words "one dollar."

Registry of drafts by auditor.

(12.) SEC. III. All such blank warrants or drafts shall be lettered, numbered and registered in the proper books to be provided and kept by the auditor for that purpose, and all plates or other stamps for the printing and making of the warrants provided for hereby, shall remain in the custody of the auditor, and under his direction and control.

Manner of paying out drafts by treasurer.

(13.) SEC. IV. Whenever any outstanding and unpaid territorial warrants or other claims against the state, duly audited and appropriated by law, shall be presented for payment, the treasurer shall receive from the auditor a like amount in the aforesaid treasury drafts or warrants which, before delivery, shall be properly signed by the auditor, and a correct account kept thereof.

The treasurer shall countersign, accept and issue the same to the parties entitled thereto, and the treasurer shall enter in a book or books to be kept by him for that purpose, a correct account of all such transactions, setting forth the amount of drafts received by him from the auditor, the numbers, letters, denominations and amounts of the same, to whom issued, and on what account, as well as any further entries necessary to exhibit the condition of the treasury at all times, and the aggregate amount and denominations of such outstanding treasury drafts.

Interest on drafts.

(14.) SEC. V. The said warrants or treasury drafts shall bear and draw interest at the rate of twelve per cent. per annum, but whenever

there shall be sufficient funds in the treasury for the redemption of such outstanding warrants, it shall be the duty of the treasurer to give public notice, in one or more newspapers published at Saint Paul, that the said warrants will be redeemed upon presentation, and the interest shall cease from and after the date of such notice.

(15.) SEC. VI. A full and correct account of the redemption and payment of all such treasury drafts shall also be kept by the treasurer, and no such draft shall be issued twice; but on payment they shall be marked as canceled by a cross at least one inch each way, being stamped and cut through the paper, in the manner known to bankers for destroying canceled checks.

Registry and cancellation by treasurer.

(16.) SEC. VII. The said drafts shall always be received by the state for taxes, assessments, fines and dues of every nature whatsoever; and they shall also be received by the treasurer at par, and with accrument of interest, as cash, for any loan to the state of Minnesota, authorized or to be authorized by law, and the credit of the state is hereby pledged to the payment of the principal and interest of the treasury drafts or warrants mentioned in this act.

To be received for debts due state.

State credit pledged.

(17.) SEC. VIII. This act shall take effect from and after its passage.

An Act concerning Land Grant Railroads.
[Passed August 12, 1858.] c. 72

(18.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* Each and every railroad company entitled to, and accepting the loan of state credit authorized by section X. of article 9 of the constitution, shall make due provision for the punctual payment of the interest and the final redemption of the Minnesota railroad bonds, issued to such company by the state, and to this end, every such railroad company shall provide and arrange that semi-annual payments of interest and final payments of the principal of the first mortgage bonds of any such railroad company, which may be or shall have been transferred to this state on the roads, lands, and franchises of any such company, corresponding to the state bonds to such company issued, shall mature and be payable at least sixty days before the maturity of the principal or interest of the Minnesota state railroad bonds issued, and delivered or to be issued, and delivered to such company; and the interest and principal of said railroad bonds which may have been transferred to the state, shall be paid at the maturity thereof to the treasurer of the state, together with such amount as may be necessary to pay all exchanges or expenses in payment of the ensuing installments or interest or principal of the Minnesota state railroad bonds, issued for the benefit or use of such railroad company. And all such railroad companies claiming or receiving state aid, shall further make due provision that all necessary expenses or charges incurred to carry out the provisions of this enactment, and the provisions of the said section ten, article nine of the constitution authorizing and having reference to a loan of state credit to railroads, shall be borne, and paid *pro rata*, by such railroad companies as may receive the benefits thereof, and shall not be chargeable to the state.

Land grant railroad companies to provide for principal and interest on state loans.

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(19.) SEC. II. Whenever any default shall occur in the payment of interest or principal of the railroad bonds transferred to the state, so that no provision shall be made by the said railroad companies as aforesaid, for the ensuing payment of the interest or principal of the Minnesota state railroad bonds, sixty days before the maturity of any installment of interest or final redemption of said state railroad bonds as herein provided, the governor shall immediately proceed to provide for such payment or payments, and to indemnify the state for such payment or payments, or respon-

Default in payment of interest; duty of governor.

sibility, by sale of a sufficient amount of the bonds of the defaulting company, or by sale of the lands pledged, or foreclosure of the mortgage or deed of trust of such defaulting company, or by all or any such means of indemnification in the manner herein provided.

Default; first mortgage bonds to be sold.

(20.) SEC. III. The governor may on such default, immediately advertise for thirty days in three newspapers published in the city of New York, and in one newspaper published at the seat of government of this state, that a sufficient amount of first mortgage bonds of such defaulting company shall be sold on the fortieth day after such default, in the city of New York, to the highest bidder for cash, and such sale of bonds shall be made accordingly, and the proceeds thereof shall be returned to the treasury to indemnify the state for such default, together with all costs, charges and damages growing out of such default and sale.

Sale of lands for default; govern- or to advertise sale.

(21.) SEC. IV. In case of a sale of lands to be made under and to provide for the default of any such company as aforesaid, the governor may advertise and sell the same in such parcels, and at such times, as shall be deemed most expedient, and all such sales or conveyances shall be made by the governor and secretary of state, and shall be absolute conveyances of the title in fee as far as the same may have been invested in any such company, or in the state, and without any redemption or right of redemption in any company, or subsequent creditor, person or persons whomsoever, but no sales of bonds or lands shall take place if the defaulting company shall make payment of all principal and interest then due, and all expenses incurred by the state prior to the day of sale of any such railroad bonds or lands, but this provision shall not be so construed as to prevent the governor and secretary of state, until such payment by the defaulting company, from making sales and conveyances of any parcels of lands, as aforesaid, without the consent or assistance of the defaulting company, whenever default shall occur in the provision by such company as herein required, for any ensuing payment of interest or principal of the Minnesota state railroad bonds issued to such company.

Manner of foreclosing mortgage.

(22.) Sec. V. All foreclosures of the mortgage or deed of trust of any defaulting company making such default, in the payment of interest or principal of the bonds of such company, and for which default a foreclosure of the mortgage or deed of trust of such company may be required or demanded, shall be made only for and on account of the default occurring, and all such foreclosure shall be by public sale of all the properties, rights, privileges, and franchises pledged in such deed of trust or mortgage, for the payment of the interest and final redemption of such company's bonds, due notice having first been given of such intended sale, by advertisement in such manner and for such length of time as may be prescribed in said deed of trust or mortgage; and in case of any sale of any railroad or railroads, or any part thereof, constructed, or in process of construction, by any railroad company by virtue of any trust deed, or on foreclosure of any mortgage thereupon, the party or parties acquiring title under any such sale, and their associates, successors, or assigns, shall have and acquire thereby, and shall exercise and enjoy thereafter, all and the same rights, privileges, grants, franchises, immunities and advantages in and by said mortgage or trust deed enumerated and conveyed which belonged to and were enjoyed by the company making such deed or mortgage, or contracting such debts, so far as the same relate and appertain to that portion of said road, or the line thereof, mentioned and described in and conveyed by said mortgage or trust deed, and no further, as fully and absolutely, in all respects, as the corporators, shareholders, officers and agents of such company might or could have done theretofore, had not such sale or foreclosure taken place. Such purchaser or purchasers, their associates, suc-

cessors, or assigns, may proceed to organize anew, and elect directors, distribute and dispose of stock, take the same or another name, and may conduct their business generally under and in the manner provided in the charter of such railroad company, with such changes or variations in manner and form of organization as their altered circumstances and better convenience may seem to require: *provided, however,* that no greater or enlarged powers shall be exercised by the new organization than are conferred by the charter of such company.

(23.) SEC. VI. The governor may, at any time during the prosecution of the work on any sections of road entitling any company to an issue of state bonds, engage the services of practical engineers or surveyors to visit, examine and report upon the amount and quality of all work done or being done thereon; and such engineers or surveyors shall certify under oath to the governor the condition and character of all such work, particularly specifying the quality, extent and character of the grading and excavations, as well as respectively all mechanical structures and other appurtenances of any such road or section, and whether in the opinion of such engineer or engineers, surveyor or surveyors, such railroad company are entitled to an issue of state bonds on account of such particular section or sections of road; but no such certificate, examination or proof shall be deemed conclusive or final, but new surveys or examinations may be ordered, or other proof received, in the discretion and to the satisfaction of the governor, before any such state bonds shall be issued thereon.

Governor may employ engineers to examine work of railroads asking loans.

(24.) SEC. VII. This act shall take effect and be in force from and after its passage.

Take effect.

CHAPTER 127.

INDIANS.

SECTION

- 1. Indians out of their reservations subject to the laws of the state, and punished for misdemeanors and violations of law.
- 2. Indians required to have passes from superintendent to leave reservation and reside on other lands.

SECTION

- 2. Sheriffs and other officers to remove all Indians not complying with preceding section.
- 4. Act takes effect on passage.
- 5. Repeals all acts contravening its provisions.

An Act to extend the Laws of the State over all the Indian Tribes within the boundaries of the State, and to confine them to their own Lands.

[Passed July 20, 1858.] c, 44

(1.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That if any Indian or Indians shall enter upon the limits of this state, or cross the boundary line of their reservation, and there take, steal, or destroy any property, real or personal, belonging to any citizen or inhabitant of this state, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, or shall commit any crime, offense, or misdemeanor whatever, recognized by the laws of this state as a crime,

Indians off their reservations subject to the laws of the state.