

# MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-  
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT  
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BY THE SUBSEQUENT LEGISLATION OF 1925  
AND 1927

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# MASON'S MINNESOTA STATUTES

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## PART I.

### JURISDICTION, DIVISIONS, CIVIL POLITY, AND INTERNAL ADMINISTRATION

#### CHAPTER 1

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1. Extent—The sovereignty and jurisdiction of this state shall extend to all places within the boundaries thereof as defined in the constitution, and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over places therein. (1) [1]

2. Jurisdiction over waters—That all courts and officers now having and exercising jurisdiction in any county or counties which are now formed or which may hereafter be formed in any part of this state bordering upon Big Stone Lake, Lake Traverse or the Red River of the North, shall have and exercise jurisdiction in all civil and criminal cases upon such waters concurrently with the courts and officers of other states bordering on such waters, so far and to such extent as the said bodies of waters or either of them shall form a common boundary between this state and any other state. ('05 c. 242 § 1) [2]

3. Waters included—The concurrent territorial jurisdiction of any such county and of all courts and officers exercising jurisdiction throughout the same, shall extend over such water area as would be included if the boundary lines of such county were produced in the direction of their approach and extended across said waters to the opposite shore. ('05 c. 242 § 2) [3]

4. Lands of United States—Jurisdiction—Jurisdiction is hereby ceded to the United States over all places within this state heretofore acquired by it for national purposes, subject to the right of the state to cause its civil and criminal process to be executed therein, and to punish offences against the laws of the state committed on the premises so acquired. And consent is hereby given to the acquisition by the United States of any other place within the state hereafter desired for any purpose authorized by Congress, subject to the concurrent jurisdiction aforesaid, upon condition, however, that application therefor shall be made to the governor by an authorized officer of the United States, setting forth a description of the premises acquired, with a map thereof, when necessary to their proper designation. (2) [4]

5. Sale of state lands to United States—The governor is hereby authorized, in behalf of the state, to sell, at its fair value, and to convey to the United States, any land owned by the state, and required by the government for any authorized purpose. And the United States is hereby empowered to acquire by condemnation, under the laws of this state relating to the right of eminent domain, any lands which it may be necessary to take, overflow, or occupy in the prosecution of any public work authorized by Congress. All lands so ceded or conveyed to or acquired by the United States shall be exempt from assessments and taxes so long as it shall own the same. (3) [5]

6. Certificate of consent—Upon proof being made that the title to such lands has been duly vested in the United States, the governor shall issue, in duplicate and under the great seal of the state, his certificate of consent to such acquisition, conditioned as in this chapter prescribed, one of which shall be delivered to the officer presenting the application, and the other filed with the secretary of state. Such secretary shall thereupon cause a copy of such consent, with a map of the lands so acquired, when necessary to a proper description thereof, to be filed for record with the register of deeds of the county in which the same are situated. (4) [6]

**6-1. Acquisition by United States of lands for customs houses, etc.**—The consent of the State of Minnesota is hereby given in accordance with seven-teenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, by condemnation, lease, or in any other manner whatsoever, of any land, or right or interest therein, in this State, required for sites for custom houses, court houses, hospitals, sanatoria, postoffices, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges, forest depots, supply houses and forestry offices, or for any other military or naval purposes whatsoever of the United States government. ('25, c. 55, § 1)

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230nw 548; **6-2. Same—Jurisdiction over lands acquired; service of process; lands adjacent to navigable waters.**—Exclusive jurisdiction in and over any lands, or buildings, any right or interest which has been so acquired by the United States, whether before or after the passage of this act, shall be and the same is hereby ceded to the United States for all purposes, herein provided except the service upon such sites of all civil or criminal process of the courts of this state, which right of service of said process within the bounds of said lands and sites is reserved to this State; but the jurisdiction so ceded shall continue no longer than the United States shall own or occupy such lands, or any right or interest therein; and whenever such lands or buildings abut upon the navigable waters of this state, such jurisdiction so ceded shall extend to and include such of the under-water lands adjacent thereto as lie between the line of low water mark and the bulkhead or pierhead line as now established or as such lines may be hereafter established. ('25, c. 55, § 2)

**6-3. Same—Time of vesting of jurisdiction—Exemption from taxation, etc.**—The jurisdiction ceded shall not vest until the United States shall have acquired the title to, or possession of the said lands, or rights, or interest therein, by purchase, condemnation, lease, or otherwise; and so long as the said lands, or any rights or interest therein are held in fee simple

by the United States, and no longer, such rights or interest, as the case may be, shall continue exempt and exonerated, from all States, county and Municipal taxation, assessment or other charges, which may be levied or imposed under the authority of this State. ('25, c. 55, § 3)

**6-4. Same—Repealed.**—All acts or parts of acts in conflict with this act are to that extent repealed. ('25, c. 55, § 4)

**6-5. Acquisition by United States of land and water for Upper Mississippi River Wild Life and Fish Refuge, etc.**—Consent of the State of Minnesota is given to the acquisition by the United States by purchase, gift, or lease of such areas of land or water, or of land and water in Minnesota, as the United States may deem necessary for the establishment of the Upper Mississippi River Wild Life and Fish Refuge in accordance with and for the purposes of the Act of Congress approved June 7, 1924, entitled "An Act to establish the Upper Mississippi River Wild Life and Fish Refuge," and for the establishment of such other wild life refuges or reservations as may have been or may be authorized by Act of Congress; reserving, however, to the State of Minnesota full and complete jurisdiction and authority over all such areas not incompatible with the maintenance and control thereof by the United States for the purposes and under the terms of said Act of Congress. ('25, c. 76, § 1)

**6-6. Same—State lands ceded.**—There is hereby ceded to the United States for the purposes of the said Upper Mississippi River Wild Life and Fish Refuge, and so long as it shall use the same therefor, and no longer, all areas of land subject to overflow and not suitable for agricultural purposes, owned by this State, and all jurisdiction of the State of Minnesota to and upon the areas of water of the Mississippi River to and including the main channel thereof, within the boundaries of such refuge as the same may be established from time to time under authority of said act, subject, however, to the same reservation of jurisdiction in and over such areas as provided in Section 1 hereof. ('25, c. 76, § 2)

1940 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1940)  
(Superseding Mason's 1931, 1934, 1936 and 1938  
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,  
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and  
amendatory, and notes showing repeals, together with annotations from the  
various courts, state and federal, and the opinions of the Attorney  
General, construing the constitution, statutes, charters  
and court rules of Minnesota together with digest  
of all common law decisions.



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# Mason's Minnesota Statutes

## Part I. Jurisdiction, Divisions, Civil Polity and Internal Administration

### CHAPTER 1

#### Sovereignty and Jurisdiction

##### 1. Extent.

South Dakota-Minnesota Boundary Waters' Commission created. Laws 1939, c. 60.

Fishing in the waters of Rainy Lake on the Minnesota side of the boundary line established by joint action of the governments of the United States and Canada is under the control of this state, until the International Fisheries Commission provided for by the Root-Bryce Treaty functions and assumes control. *State v. Dove*, 183M272, 236NW322(2); 49F(2d)816. See Dun. Dig. 6933.

Where a full-blooded Chippewa Indian received a patent in fee from United States government to 160 acres of land on White Earth Indian Reservation, and, trust period having expired thereon, sold land and removed therefrom, court had jurisdiction of prosecution for violation of state game laws. *State v. Bush*, 195M413, 263NW300. See Dun. Dig. 4348.

The proprietary rights of a state are as absolute and unqualified as those of an individual. *State v. Hubbard*, 203M111, 280NW9. See Dun. Dig. 8829.

In absence of any self-imposed restrictions in its constitution, state may sell and dispose of its property upon its own terms and conditions, for cash or upon credit; and may also take, hold, and enforce notes and obligations received from purchasers of its property same as individuals can. *Id.*

State cannot license an Indian trader on an Indian reservation. *Op. Atty. Gen.*, Nov. 6, 1933.

##### 4. Lands of United States.

Act Mar. 7, 1939, c. 53, authorizes conveyance of certain state land in village of New London, Kandiyohi County, to United States for a fish hatchery.

State courts have no jurisdiction over criminal offenses against state laws committed on Fort Snelling Military Reservation. *Op. Atty. Gen.*, July 21, 1933.

Electrical work done on a U. S. Postoffice, or other government property, is not subject to jurisdiction of either local inspection and ordinances or the state laws. *Op. Atty. Gen.* (188B), Sept. 6, 1939.

Illegal property found in Indian country may be confiscated by state officials, but members of tribes on reservations and not emancipated cannot be prosecuted for violation of state game laws on reservations or on state trunk highways therein. *Op. Atty. Gen.* (240E), Sept. 7, 1939.

##### 6. Certificate of consent.

Recording of certificate of consent to acquisition of land by United States with the register of deeds is a sufficient compliance with this section notwithstanding that land involved may be registered land. *Op. Atty. Gen.* (373b-17f), Dec. 17, 1934.

Fees for filing of certificates of consent to acquisition of land by United States are payable by the secretary of state to the register of deeds. *Op. Atty. Gen.* (373b-10(k)), Dec. 18, 1934.

Certificates of consent for requisition of land by United States for regulation of flow of navigable streams and production of timber provided for governor. *Op. Atty. Gen.* (700e-1), Nov. 15, 1935.

**6-1. Acquisition by United States of lands for customs houses, etc.**—The consent of the state of Minnesota is hereby given in accordance with seventeenth clause, eighth section, of the first article of the Con-

stitution of the United States to the acquisition by the United States, by purchase, by condemnation, lease, or in any other manner whatsoever, of any land, or right or interest therein, in this state, required for sites for custom houses, court houses, hospitals, sanatoria, postoffices, prisons, reformatories, jails, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges, forest depots, supply houses, forestry offices, or for any other military or naval purposes whatsoever of the United States government. (As amended Feb. 17, 1939, c. 17.)

In eminent domain in case of conflict between state public use and federal public use, the more necessary public use should be given preference. *Op. Atty. Gen.*, Dec. 11, 1933.

##### 6-2. Same—Jurisdiction, etc.

Summons served under this section on army officer who was resident of Iowa while such officer was at training camp on military reservation in Minnesota, held not void, but voidable only. *N. W. Casualty Co. v. C.*, 210 Iowa126, 230NW548.

Industrial commission cannot enter upon land owned by federal government where post office is being constructed and enforce safety measures provided by §§4141 to 4187, 4279. *Op. Atty. Gen.*, July 28, 1933.

**6-7. Governor to grant easements to United States for flowage or other purposes in certain cases.**—When so requested by the Commissioner of Highways the Governor in behalf of the State, may from time to time, grant, bargain, sell and convey to the United States of America any easement or easements for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement. (Mar. 31, 1937, c. 124, §1.)

**6-8. Monies received credited to highway fund.**—That any payment so received for the granting of any said easement or easements shall be deposited in and become a part of the trunk highway fund. (Mar. 31, 1937, c. 124, §2.)

Sec. 3 of Act Mar. 31, 1937, cited, provides that the Act shall take effect from its passage.

#### COMMON LAW DECISIONS RELATING TO CHAPTER IN GENERAL

##### 1. In general.

When is a suit against a state officer a suit against the state? 13MinnLawRev135.

##### 2. Liability for torts.

Suits may not be maintained against state for personal injury or property damage caused by negligent operation of automobiles operated by employees of various state departments. *Op. Atty. Gen.* (640), Sept. 9, 1939.

### CHAPTER 2

#### Territorial Divisions

##### LEGISLATIVE DISTRICTS

##### 9. Boundaries of Legislative Districts.

###### Thirty-second District

The thirty-second district shall be composed of the eleventh and twelfth wards of the city of Minneapolis,

including that portion of said twelfth ward which was formerly a part of the village of Richfield and has heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §1.)