

MASON'S MINNESOTA STATUTES

1927

PUBLISHED UNDER THE TERMS OF THE CONTRACT MADE BY THE
STATUTE COMPILATION COMMISSION FOR THE PUBLICATION OF
THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE
CITER-DIGEST COMPANY

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Citer-Digest Company
St. Paul
1927

CHAPTER 40

PUBLIC LANDS

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State auditor as ex officio commissioner of lands and timber, see §§ 53-19 to 53-23, herein.

The general laws granting railroads a right of way across public lands do not apply to the ceded portion of the former Red Lake Indian Reservation as the ceded lands are impressed with a trust. 155-446, 194+11.

SALES BY AUDITOR

6261. School lands—Price—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. Provided further, however, that where patent has been issued by the federal government to any school land as above defined previous to 1864, and the taxes thereon have been paid for a period of at least thirty-five years, that then and in such event the state auditor may in his discretion cause such amount of such taxes to be applied upon the minimum price of \$5.00 per acre as above provided, as he may deem proper, in order that the minimum sales price of the land may be so reduced as to make it saleable. (R. L. '05 § 2404; G. S. '13 § 5204, amended '17 c. 76 § 1; '19 c. 258 § 1)

193-724.

6262. 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. (2405) [5205]

6263. 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." (2406) [5206]

6264. 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. (2407) [5207]

104-123, 116+210.

6265. 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. (2408) [5208]

6266. State institutions and capitol lands—Minimum price of certain state 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 creating a state prison," approved Feb. 13, 1865, and all lands known as state capitol lands, shall be appraised and sold as school lands are sold. Provided, that all lands belonging to the state by virtue of the various congressional acts set forth in sections 2404, 2405, 2407, 2408 and 2409, of the Revised Laws of Minnesota for 1905 [6261, 6262, 6264-6266], the minimum price thereof shall be \$5.00 per acre, and the terms of payment and conditions of sale shall be the same as is now provided by law. Provided, however, that where state lands have been benefited by and assessments paid for drainage, such drainage improvements shall be duly considered by the state land examiner in making appraisals. Provided further, that when such drained lands are sold the principal and interest paid thereon shall be credited by the state auditor to the proper fund to which the land belongs. (R. L. § 2409, amended '07 c. 366 § 1; '09 c. 118 § 1) [5209]

100-16, 110+371.

6267. 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 on June 1 in each year. (R. L. '05 § 2410; G. S. '13 § 5210, amended '15 c. 13 § 1)

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

135-408, 161+156.

6268. 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. (2411) [5211]

6269. 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. (2412) [5212]

6270. 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. (2413) [5213]

6271. **Appraisal of lots**—For the purpose of making the appraisal required by § 6270, 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. (2414) [5214]

6272. **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. (2415) [5215]

6273. **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. (2416) [5216]

6274. **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. (2417) [5217]

6275. **Resurvey of lands**—Whenever a tract of land has been sold by the state of Minnesota, according to the United States survey, and the state auditor is of the opinion that an injustice has been done the purchaser because of an incorrect survey, he may cause a re-survey thereof to be made by a competent surveyor, who shall thereafter prepare a plat showing the correct acreage of each subdivision so re-surveyed to be filed in the state auditor's office and in the office of the register of deeds of the proper county, and the said auditor is hereby authorized to call in such land certificates as are affected by the re-survey and to issue new ones in lieu thereof showing the correct acreage, giving full credit for all payments of principal and interest which had previously been made. ('17 c. 197 § 1)

6276. **Appraisal of lands to be sold—Minimum 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. (2418) [5218] (Amended '27, c. 241, § 1)

6277. **Appraisal of school or other state lands—Appraisers — Appointment — Appraisals — Sales — Times and places of holding—Sales—**Whenever in the opinion of the land commissioner of the State of Minnesota it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall appoint one appraiser, who shall be one of the regularly employed state appraisers, and notify the governor, who shall appoint one appraiser. Such appointment shall be made within thirty (30) days after such notice. Where the land to be appraised is prairie land, the land commissioner or state auditor is authorized to appoint as appraiser, to serve as hereinafter stated, any competent surveyor, who shall serve in lieu of the regularly appointed state appraiser in the appraisal of such prairie land. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before any person qualified to administer oaths 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 school or other state lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report made of such appraisal, said appraisers after taking oath of office shall proceed to view and appraise such lands and the improvements thereon and make a report thereof to land commissioner as he may direct. The valuation of such lands and the timber shall each be made and stated separately in the appraisal, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than five (\$5.00) dollars per acre. Such appraisers shall receive as compensation for their work a sum not to exceed the sum of five (\$5.00) dollars per day for each day actually employed, and their necessary traveling expenses. The land commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house in the county in which the sale is to take place, at least thirty days in advance of such sale, in addition to the regular notice of sale provided by law. At said sale the land commissioner shall sell such lands as he considers for the public interest. Where land mainly valuable for agricultural purposes, as shown by the appraisal and other reports in the office of the land commissioner contains only small quantities of pine, tamarack, or other timber, the land commissioner may, in his discretion, either sell the timber separately in the manner provided by law for state timber sales, or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the fifteen per cent first payment required

6277
236nw 456
See 6261

6277
34 — 22

on the land. It shall be the duty of the appraisers to report to the land commissioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or approved shall thereafter be re-appraised before being offered for sale. Provided, that if the improvements upon said lands were made by one who in the opinion of the state land commissioner settled upon said land in good faith, believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to this state, then the value of such improvements shall be appraised separately, and if at the sale of such land the settler who made the improvements shall be the purchaser, he shall not be required to pay for such improvements; but if a person other than such bona fide settler purchase said land and the improvements at such sale, said purchaser shall pay to the state within thirty days, the full amount for which improvements are appraised and the amount so received by the state for such improvements shall be paid over to such settler, his heirs, or assigns by warrant drawn by the state auditor upon the state treasury, and the amount necessary to make such refundment is hereby annually appropriated.

Provided further, that in order to be permitted to purchase such land and improvements from the state without paying for the improvements, the bona fide settler must make such purchase at the first sale held by such state auditor in which the land in question is offered for sale, and

Provided further, that prior to such sale by the state auditor any and all contest proceedings or actions involving the land in question, which had been instituted or are pending relative to the land in question must have been finally determined. ('11, c. 196, § 1; amended '19, Ex. Sess., c. 17, § 1; '27, c. 332, § 1) [5219].

Historical—Laws 1911, c. 196 is entitled "An act to amend chapter 162 of the Laws of 1905, entitled 'An act to provide for the appraisal and sale of school lands and other state lands, and fixing the minimum price therefor, and relating to the rights of settlers thereon.'"

Section 2 repeals inconsistent acts, etc.

For appropriation for payment of salaries and expenses. See '23 c. 59 and '19 c. 19.

In this action to set aside the certificate issued, the evidence fails to sustain the finding that the land commissioner had made such a mistake in classifying the 40 involved as to indicate bad faith either upon his part or that of the appraisers; the determination of classification and sale being largely vested in the land commissioner by that chapter. 167-159, 208+660.

6278. 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. (2419) [5220]

Sales of school lands made October 17, 1902, when there was a defect in publishing the notice of sale, re-instated and validated, '05 c. 99. See also '23 c. 85 Cur. 193+724.

6279. Date of sales of state lands to be fixed by state auditor—It shall be the duty of the state auditor to hold public sales of school and other state lands in those counties where school and other state lands are situate, at such times as will be advantageous to

the state and to intending buyers and settlers. ('11 c. 123 § 1, amended '13 c. 8 § 1; '23 c. 6 § 1) [5221]

6280. Notice of sale—It shall be the duty of the state auditor to give public notice of each of said sales by four (4) publications in a weekly paper printed and published at the county seat wherein the lands are situated, and also by four (4) weekly publications in a daily paper published and printed in the capital city of the state. Said published notice shall contain the following information:

1st. The time and place for the holding of said sales.

2nd. The limitations and requirements provided by law as to purchasers of such lands.

3rd. The terms and conditions of payments as required by law.

4th. The place where lists of lands to be offered for sale may be obtained. ('11 c. 123 § 2) [5222]

6281. Acts repealed—What provisions applicable—All acts or parts of acts inconsistent with this act are hereby repealed. All other requirements and provisions relating to the sale of school and other state lands shall apply with full force to sales made under this act. ('11 c. 123 § 3) [5223]

6282. By whom state lands may be sold—All sales made pursuant to this act shall be conducted by the state auditor in person, his deputy, or by a competent person employed by the state auditor and bonded in a sum of not less than \$10,000. ('11 c. 123 § 4, amended '19 c. 199 § 1) [5224]

6283. Maps and plats—It shall be the duty of the state auditor to prepare suitable maps or plats, having designated thereon those school, or other state lands, owned by the state which have been duly appraised and subject to sale, which maps or plats shall be printed and distributed with other printed matter in sufficient quantities to properly advertise the sales provided by this act. ('11 c. 123 § 5) [5225]

6284. 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. (2420) [5227]

60-313, 62+110. 135-408, 161+156.

6285. 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 re-appraised 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

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See 6291

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. (2421) [5228]

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

6286. 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. (2422) [5229]

Cited (109-185, 123+412).

135-408, 161+156; 135-449, 161+155.

Certain school certificates, validated, '15 c. 267.

6287. 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. (2423) [5230]

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

135-408, 161+156.

All certificates issued by the Commissioner of the State Land Office between November 30, 1890, and December 2, 1890, where said certificates have been issued after public sale at a price lower than the appraised valuation, validated, '13 c. 471.

6288. 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. (2424) [5232]

6289. Conditional sales of certain swamp lands validated—That in all cases where sales of state swamp lands made June 29, 1908, have been made in accordance with law, except that the appraised value of the improvements on said lands have not been included in the consideration of the sale, the said lands have not been resold to any person, such sales are hereby reinstated and validated and in all things confirmed in the purchaser, and the state auditor is authorized and directed in all of such cases to complete such sale, by issuing to the purchaser, upon its complying with the terms of payment, a certificate of sale of such lands duly executed, acknowledged and delivered as provided by law. ('09 c. 119 § 1) [5233]

6290. 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. (2425) [5234]

State auditor's determination of character of lands and his certificate of sale not subject to collateral attack (109-185, 123+412).

In an action by the state to cancel state school land certificates, held, that the certificates were void for want of authority in the state land commissioner to sell such lands until the timber was first sold and removed therefrom. 157-7, 195+495.

6291. 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. (2426) [5235]

50-491, 494, 52+970.

6292. Refundment of tax certificates upon certain reform school lands—Any holder of a tax certificate of sale or state assignment certificate, who became the owner thereof prior to the adoption of chapter 2, General Laws 1902, and which describes reform school lands, so-called, or any tract, lot or subdivision thereof and which was sold by the state upon contract prior to the year 1902, to a purchaser, who has since defaulted in the performance of the conditions thereof, so that the land is now owned in fee simple by the state, may petition the board of county commissioners of the county wherein such lands are situated, setting forth fully and fairly all the facts pertaining thereto and said board of county commissioners shall thereupon inquire into the truth of the facts alleged in said petition, and if they are satisfied that the facts are fully and fairly stated therein, they shall so certify to the state auditor of the state of Minnesota. The state auditor, if he is satisfied that a refundment should be made to the holder of said certificate or certificates, or any of them, for the amount thereof, without interest, shall authorize the refundment of the amount paid therefor, together with the amount of other subsequent taxes upon said property paid by the holder thereof, but without interest upon any of said amounts, and upon the surrender or proper assignment of said certificates the county auditor shall draw an order upon the treasurer of said county, for the sum so authorized to be refunded, the same to be countersigned and paid like other county orders. The several funds—state, county, town, city, village, school and other funds—shall be charged with their several proportions of the amount thus refunded. ('09 c. 491 § 1) [5236]

Explanatory note—For Laws 1902, c. 2, see §§ 2104 to 2230, herein.

6293. State treasurer authorized to extend time of payments on state land certificates—Execution of patents by Governor—That the treasurer of the State of Minnesota is hereby authorized to receive payment up to and including December 31, 1927, of the principal on all state land certificates where the time for payment of said principal has expired, or will expire, on or before May 31st, 1928, and the Governor of the State of Minnesota is hereby authorized to execute patents covering those lands on which all demands due the state have been paid in full, as hereinbefore provided; provided further, that the provisions of this act shall not apply to state land certificates that have been canceled prior to the passage of this act. ('21, c. 440, § 1; amended '23, c. 27, § 1; '25, c. 35, § 1; '27, c. 3, § 1)

6294. Interest on unpaid principal—That interest on the principal remaining unpaid May 31st, 1928, shall run thereafter at the rate of ten per cent per annum until the said principal is paid in full. ('21, c. 440, § 2; amended '23, c. 27, § 2; '25, c. 35, § 2; '27, c. 3, § 2)

For prior similar legislation. See '17 c. 7; '19 c. 179; '21 c. 440.

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6285 39

6293 29 - 10

6293 31 - 4

6293 33 - 25

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236nw 456
See 6277

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236nw 456
See 6287

6295. 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. (2427) [5237]

See joint resolution authorizing the state to receive payments on sales of school and other state lands where the time limit for payment has expired or will expire before December 31, 1914, and to issue patents therefor ('13 J. Res. No. 3).

33-450, 23+851.

Plaintiff, to whom certificate had issued, was entitled to recover for logs subsequently removed though patent was not issued until after commencement of action (100-16, 110+371). One who has prior equitable right to receive patent superior to that of patentee may enforce his equity (107-380, 120+527).

Where, after a good-faith purchaser of a certificate of sale of state land has become the owner of the equitable title by recording his assignment the holder of a prior unrecorded assignment pays the balance due the state and surrenders the certificate, and receives a patent, the patent cannot be canceled and the legal title revested in the state at the suit of the equitable owner; but the patentee may be adjudged to hold the legal title in trust for the equitable owner, and may be required to convey it to him upon payment of the amount so paid to the state. (135-408, 161+156).

6296. 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. (2428) [5238]

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

6297. Bonds of county treasurers—Before any county treasurer shall receive any moneys under Section 6296, 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, 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. The premium thereon shall be paid out of the general revenue fund of the state. (2429) [5239] (Amended '27, c. 139)

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

6298. 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. (2430) [5240]

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

6299. 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. (2431) [5241]

6300. 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. (2432) [5242]

6301. 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. (2433) [5243]

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

6302. 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. (2434) [5244]

INVESTMENT

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29 — 254 ; 31 — 346

6303. Investment of permanent funds—The permanent school fund, permanent university fund, swamp land fund, internal improvement land fund, and all other permanent trust funds of the State of Minnesota shall be invested in the bonds of the United States

or of this state or the bonds of any school district, county, city, town or village of this state, bearing not less than four per cent interest, but no investment shall be made in bonds issued to aid in the construction of any railroad. Such funds shall be invested by a board of commissioners consisting of the governor, treasurer, auditor, attorney general and president of the board of regents of the state university, which shall be known as the State Board of Investment, and which shall hold regular meetings on the first and third Wednesdays of each month. The governor shall be ex-officio president of said board, which shall have a permanent secretary, who shall keep record of its proceedings. Both the secretary of the board and the auditor shall keep a record showing the number and amount of each bond, when issued, the rate of interest, when and where payable, by whom executed, when purchased, when withdrawn and for what purpose. Such bonds shall be endorsed so as to show to which trust fund they belong and shall be transferable only upon the order of said board of investment, but no bonds shall be purchased, sold, exchanged or transferred from one trust fund to another except upon a majority vote of all members of said board of investment, and no purchase of said bonds in excess of \$250,000 shall hereafter be made from any municipality in this state except in cases of emergency heretofore or hereafter arising from damage or destruction by flood, fire or cyclone unless such purchases have been heretofore approved by said investment board. In investing the permanent school fund preference shall be given to application for loans from school districts and priority shall be accorded such loans of \$25,000 and less. The board of investment shall have the power to fix and to change the rate of interest on loans to municipalities within the state, provided such rate is never less than four per cent, and whenever such rate is changed after any municipality has voted its bonds to the state such municipality is hereby authorized to pay the new rate so fixed and to issue its bonds bearing such rate upon approval and acceptance thereof by resolution of its governing body. ('21, c. 516, § 1; amended '25, c. 131, § 1)

Explanatory note—Laws '21, c. 516, § 2 repeals G. S. '13, § 5246, and provides that the act shall not affect proceedings taken under the repealed section prior to the approval of the act.

For acts validating certain bonds heretofore purchased by the state board of investment, see '19 c. 387 and '23 c. 273. See § 1989, herein.

6304. Investment secretary for state board of investment—There is hereby created an investment secretary, who shall be the secretary of the state board of investment (called in the Constitution board of commissioner), and who shall perform the duties of his office under the direction of the state board of investment; provided, however, that the responsibility for the safe investment of all state trust funds, under its jurisdiction, shall remain with the board. ('17 c. 271 § 1)

Office of secretary of state board of investment abolished. See § 53-45, herein. Executive secretary of executive council as secretary of state board of investment, see § 53-2, herein.

6305. Salary—The annual salary of the secretary shall be \$3,000. The board of investment may provide necessary assistants and fix their compensation. The total disbursement for such assistants shall not exceed \$2,500.00 per annum. ('17 c. 271 § 2)

6306. To be under direction of board of investment—The said secretary shall, under the direction of said board of investment, have general supervision of the

investigation of applications for loans, the negotiation of new investments, examination of securities, and the records of municipalities applying for loans, and such other work relative to the trust funds of the state as shall be required by the said board of investment. The secretary shall report to the board of investment all relevant facts in connection therewith. ('17 c. 271 § 3)

6307. To be appointed by state board of investment—The investment secretary shall be appointed by the state board of investment. The first appointee shall hold office until January 1, 1920. Thereafter the term of the secretary shall be three years and until his successor shall be appointed and qualified. The board of investment may remove the secretary at its discretion. Vacancies caused by resignation or removal shall be filled by the board of investment for the unexpired term. ('17 c. 271 § 4)

6308. Given power to appoint and dismiss assistants—The secretary shall, with the approval of the board of investment, appoint and dismiss all assistants. The said board shall require the secretary and, in its discretion, may require his assistants to give a bond payable to the state in such sum as the board shall determine. ('17 c. 271 § 5)

6309. To be furnished with office quarters, furniture and supplies—Said secretary shall be provided with suitable quarters, office furniture and supplies, and be allowed necessary expenses when traveling on official business. All expense accounts of the secretary shall be approved by the board of investment, and when so approved, shall be audited and paid as provided by law. ('17 c. 271 § 6)

6310. State treasurer to continue in custody of bonds and securities—The state treasurer shall continue to have the custody of the bonds and securities belonging to the trust funds of the state, but the secretary shall have access thereto in the presence of a representative of the state treasurer, during the usual office hours of the treasury department. ('17 c. 271 § 7)

6311. Interest on school loans reduced—The State Board of Investment shall, upon the written application of any school district hereby affected, reduce the rate of interest from five to four per cent per annum, on all bonds heretofore issued to the State of Minnesota, at five per cent interest, by any school district, for the purpose of constructing and equipping a schoolhouse, in all cases where the application of any such district for a loan for such purpose, at four per cent interest had been approved by said State Board of Investment and a contract for the construction of such schoolhouse had been entered into before receipt by such district of notice of the increase in interest rate from four to five per cent made by said Board on the 10th day of June, 1921. Such reduction shall be made by resolution of said State Board of Investment, reciting the facts, and describing the bonds upon which the interest is so reduced. ('23 c. 28 § 1)

6312. Resolution to be filed—A certified copy of such resolution shall be filed with the State Auditor, who shall thereafter levy and collect interest at the rate of four per cent only on the bonds therein described. ('23 c. 28 § 2)

6313. 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. (2436) [5246]

6314. **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 § 6313, payable from the respective current or general funds. (2437) [5247]

FUNDS.

6315. **Swamp land fund—Transfer of state institutions funds**—That the credit balances and securities in the state treasury, and all land contracts arising from the proceeds of the sale of a portion of the state swamp lands, and which is designated in the state records as belonging to the "state institutions fund," be and the same are hereby transferred to the "swamp land fund, and the state institutions interest fund," being the accrued interest on said "state institutions fund," be and the same is hereby transferred to the "swamp land interest fund." ('07 c. 385 § 1) [5248]
See preamble to act.

6316. **Swamp land interest fund**—At the close of each fiscal year it shall be the duty of the state auditor and state treasurer to transfer the amount then standing to the credit of the "swamp land interest fund" to the several funds entitled thereto, as follows, to-wit: The general school fund one-half, the revenue fund, one-half. ('07 c. 385 § 2) [5249]

6317. **Revenue fund**—The amount credited to the revenue fund as herein provided, shall at the end of each fiscal year be credited to the appropriations for the support of the several state educational and charitable institutions in the relative ratio of cost of support of such institutions, reckoned on the cost for the fiscal year next preceding the one in which such distribution is made. ('07 c. 385 § 3) [5250]

6318. **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. (2438) [5251]

6319. **Bonds held in state trust funds may be sold at less than cost**—That the state board of investment is hereby authorized to sell the bonds of other states, or any part thereof, now held in the trust funds of the state, for a sum less than the cost to such funds, should the board of investment deem it for the best interests of the state to make such disposition of said bonds. In order that the principal of such funds, as derived from the sales, or other disposition of said lands, or other property, granted or intrusted in this state for educational purposes, or for purposes of internal improvement, shall not be impaired, the said board of investment is hereby authorized to make up any deficit, or loss, which may accrue by reason of the sale of said bonds, from the fund hereinafter created, or from the profit derived from former sales of bonds of said trust funds, as shown upon the books of the state auditor, or partly from the said fund and partly from said profits. ('17 c. 464 § 1)

Section 4 carries \$100,000.00 appropriation.

6320. **Creation of fund by board of investment**—The board of investment is hereby authorized to create

a fund to meet any prospective loss arising from the sale of such bonds, or any portion thereof, by charging a bonus upon the bonds of municipalities of the state purchased by said investment board, not exceeding one-fourth of one per cent per annum for the period for which the loan is to run. Such bonus shall be deducted from the amount of such loan when made and credited to such fund. The board of investment may, in its discretion, exempt loans to school districts from the provisions of this section. Municipalities making application to the state for loans under this act are hereby authorized to pay such bonus upon approval by the governing board of such municipalities. ('17 c. 464 § 2)

6321. **Payment of loss as a result of sale of bonds**—Whenever the board of investment shall sell any of said bonds and a loss to the trust funds shall accrue therefrom, the amount of such loss shall be paid from the fund provided for by section 2, if said fund is created by the board of investment, if the amount in said fund, or the anticipated receipts thereto, be sufficient to meet such loss; if insufficient the deficiency shall be paid from the profits of former sale of bonds of said trust funds. ('17 c. 464 § 3)

6322. **Anticipating receipts by board of investment**—The board of investment may anticipate the receipts to accrue to the fund authorized by section 2. For the purpose of temporarily providing for any loss in the sale of said bonds, pending the collection of the bonus provided for herein, the auditor and treasurer are hereby authorized to transfer from the revenue fund, upon a certificate of the state board of investment, a sum sufficient to cover such loss. When there are sufficient funds the amount of such transfer shall be repaid to the revenue fund. ('17 c. 464 § 4)

\$5,000 appropriated to carry out provisions of above sections, '21 c. 55.

MISCELLANEOUS

6323. **Taxation — Sales — Redemption — Special certificate**—State lands sold by the state auditor shall thereupon become taxable, and a description of each tract so sold, with the names 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 land to be sold for the enforcement of delinquent taxes shall be such only as is vested by the land sale certificate in the holder and owner thereof. Upon production to the county treasurer of the tax certificate given upon tax sale, in case said lands have not been redeemed, such tax purchaser shall have the right to make any payment of principal and interest then in default upon such land sale certificate as the assignee thereof. In order to redeem from any such tax sale, the person redeeming must pay the county treasurer, for the holder and owner of the tax sale certificate, in addition to all sums required to be paid in other cases, all amounts paid by such holder and owner for interest and principal upon such land sale certificate, with interest at twelve per cent per annum. The state auditor upon receipt of said tax certificate to which is attached the certificate of the county auditor of the expiration of the time for redemption, and the receipt of the county treasurer for all delinquent interest and penalty on said land sale certificate, shall issue to the holder and owner of the tax certificate, a special certificate, embodying the same terms and conditions, and with like force and effect, as the said original land sale certificate, and in lieu thereof. (R. L. § 2439, amended '09 c. 114 § 1) [5252]

6324. 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. (2440) [5253]

Cited (99-220, 108+958).

6325. Lease for grazing and pasturing—After any land belonging to the state has been offered at public sale and no one offers the appraised price, the state auditor may lease the same for a period for not more than five years for grazing and pasturing purposes. The annual rental shall not be less than ten cents per acre and at the end of the term, the lessee may remove all fences or temporary structures thereon. ('09 c 191 § 1) [5254]

6326. How leased—Termination—Proceeds—On the second Tuesday of April of each year the several county auditors shall receive bids for the leasing of state lands in their counties and the lands shall be leased to the highest bidder. The rent shall be paid annually in advance and whenever any lessee fails to so pay his rent before the second Tuesday in April of each year, the county auditor shall declare the lease terminated and again offer the land for rent. The county auditor shall retain ten per cent of the gross amount received for the use of the land and remit the balance to the state auditor, who shall turn it in to the several funds of the state to which the land belongs. ('09 c. 191 § 2) [5255]

6327. Subject to sale—Any lease made under the provisions of this act shall be made subject to a sale of the land at any time as provided by law. ('09 c. 191 § 3) [5256]

6328. Lands to be leased by state auditor—The state auditor may at public or private vendue and at such prices and under such terms and conditions as he may prescribe, lease any unsold school, university, internal improvement, swamp or other lands subject to sale by the state auditor, for the purpose of taking and removing sand, gravel, clay, rock, marl, peat and black dirt therefrom, for storing thereon ore, waste materials from mines or rock and tailings from ore milling plants, and for garden sites, and for other temporary uses that shall not result in any permanent injury to the land; provided that no such lease shall be made for a term to exceed ten years, except in the case of leases of lands for storage sites for ore, waste materials from mines or rock and tailings from ore milling plants, which may be made for a term not exceeding twenty-five years, provided further that all such leases shall be made subject to sale and leasing of the land for mineral purposes under legal provisions, and shall contain a provision for their cancellation at any time by the state auditor upon three months written notice. All money received from leases under this act shall be credited to the fund to which the land belongs. ('15 c. 192 § 1, amended '17 c. 31; '19 c. 405 § 1)

6329. 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. (2441) [5257]

6330. Revolving fund for clearing unsold school and swamp land—The sum of \$100,000 is hereby set apart and appropriated from the fund derived from the sale of school and swamp lands. The said sum of money is to be used as a revolving fund and as contemplated

by the amended section 2 of article 8 of the Constitution of the State of Minnesota in clearing unsold school and swamp land. ('17 c. 164 § 1)

6331. Auditor to have charge of investment and expenditure—The state auditor shall have the charge of the investment and expenditure of the moneys hereinbefore appropriated. ('17 c. 164 § 2)

6332. State land improvement board—The governor shall appoint a state land improvement board of three members, who shall serve without salary, but whose expense shall be paid. The board may be consulted at any time by the auditor and shall, when any land is to be improved under contract, or when any land improved under this act is to be sold, be consulted, and give their approval in writing. ('17 c. 164 § 3)

State land improvement board abolished. See § 53-45, herein.

6333. Auditor to have charge of improvements—The state auditor shall have charge of the improvements of all public lands and of the administration of this act. He shall appoint such engineers, agricultural experts, and other employes as shall be necessary for the administration of this act and determine their compensation; provided that the governor may on recommendation of the auditor require any expert work necessary in the administration of this act to be performed under the direction of the auditor by employes of other state bureaus, departments and institutions. ('17 c. 164 § 4)

6334. Same—The auditor shall, from time to time, determine the townships within which the improvement of state lands shall be made and he shall at all times give preference to those lands which, in his judgment, can most successfully be used at the time for agricultural purposes; provided that unless the state land improvement board shall decide otherwise, and consent in writing, no contract shall be let for an improvement involving less than the equivalent of one section of state land within the limits of any township, unless and until the state shall have no land in such quantity which, in the judgment of the auditor, is suitable for improvement under this act. ('17 c. 164 § 5)

6335. Same—The auditor shall determine the extent of the improvements to be made on any area, the character of the improvements to be as provided in this act; provided that not more than five acres shall be cleared on each forty-acre tract and the total cost of the improvements on any area improved shall not exceed \$300.00 on each forty (40) acre tract. ('17 c. 164 § 6)

6336. Contract awarded to lowest responsible bidder—The work of making any improvements upon state lands, authorized by this act, shall be done under contract by the lowest responsible bidders. Contracts may be let for different classes of work separately or combined, or for different tracts in the same selected area separately or combined. The contractor may be paid for his work either on its completion or from time to time during its progress as the state auditor shall determine; provided that no payment shall be made until a competent inspector appointed by the auditor shall have examined the work and shall have certified that the work was done well and fully justifies the payment. Contracts shall be let under such regulations, terms and conditions as the state auditor, with the advice and consent of the state land improvement board, may determine. ('17 c. 164 § 7)

6337. Actual cost to be apportioned—The actual cost of the improvement of any selected area, and a proper proportion of the cost of the administration of

this act, shall be apportioned in equal portions to the forty-acre tracts upon which any such improvement is made, to be repaid to the state as hereinafter provided; provided that the cost of administration to be so charged shall include only the expenses actually incurred by reason of this act and shall include no charges for the general administration of state lands as otherwise provided for by law. ('17 c. 164 § 8)

6338. Sale of lands improved—Lands improved under this act shall be sold as are other state lands, provided, that the cost of improvements apportioned to any tract shall be paid for by the purchaser of such tract as a sum independent of the purchase price of the land itself, and provided further that every purchaser of a tract so improved shall sign an agreement in writing that he will establish his residence upon such tract within eighteen months of the date of purchase, that he will cultivate and further improve it in a husbandlike manner, and that he will so maintain his residence and so cultivate and improve the land until the cost of improvements apportioned to that tract are paid to the state in full. Such agreement shall be a condition of the sale and its breach shall terminate the contract of sale, unless within three months after notice given by the state auditor, residence is established on the land purchased, and unless such residence is maintained and the other conditions agreed to be performed for the period herein provided. Provided, however, that the condition in said contract as to actual continuous residence on said land may be waived by the state auditor when because of the death of the purchaser or for other good cause arising after the establishment of such residence he believes such waiver will be just and equitable to all concerned. ('17 c. 164 § 9)

6339. Terms of purchase price—On the sale of any lands improved under this act the purchaser shall pay at the time of sale a sum equivalent to 15% of the purchase price of the land, exclusive of improvements, which sum shall be received by the state auditor in part payment of the cost of such improvements, in lieu of the part payment of the purchase price of the land provided for in Section 5210, General Statutes 1913, and the same shall be turned into the revolving fund herein provided for. The purchase price of the land, exclusive of improvements, shall be payable at any time within forty years at the option of the purchaser, as provided in section 5210, General Statutes of 1913. The balance of the cost of such improvements shall be payable twenty-five (25%) per cent in two years from date of purchase, twenty-five (25%) per cent in three years from date of purchase, twenty-five (25%) per cent in four years from date of purchase, and twenty-five (25%) per cent in five years from date of purchase. The purchaser shall have the privilege of paying any larger sum at any time. Interest at four (4%) per cent per annum shall be collected annually on all accounts remaining unpaid. The state shall have a first lien upon the land for the interest and unpaid principal of the cost of such improvements. ('17 c. 164 § 10)

Explanatory note—For G. S. 1913, § 5210, see § 6267, herein.

6340. Revolving fund to be credited from proceeds of sale—As soon as any tract of land improved under this law shall have been sold or disposed of under contract of sale with agreement on the part of the purchaser to pay for such improvements, as provided, in this act, the state auditor shall credit to the revolving fund the principal amount contracted to be

paid for such improvements by the purchaser. Such amount when collected in whole or in part shall thereupon become a part of the revolving fund provided for by this law, and may again be expended for the purpose of carrying out this act. It shall be a first lien on the interest of the person holding the certificate or other title to such land. ('17 c. 164 § 11)

TRESPASS ON STATE LANDS

6341 to 6346. [Superseded.]

These sections (Laws 1905, c. 204, §§ 1 to 6) are superseded by Laws 1925, c. 276, § 1. See §§ 6334-1, 6334-3, 6334-4, 6334-5, 6334-6, herein.

Prior laws—1895 c. 163 was constitutional (99-158, 108+935; 102-470, 113+634, 114+738).

1895 c. 163 § 7 cited (106-1, 115+162).

Finding that trespass was willful was not sustained by evidence (102-470, 113+634, 114+738). In action under 1895 c. 163 § 7 to recover treble damages, time limit was three years (99-392, 109+703. See 95-272, 104+240). Rule of damages, under 1905, c. 163, in action by state for conversion of timber cut and removed, commenced more than three years after trespass (109-123, 123+54). This act is not a violation of Constitution, Article 4, No. 27, providing that no law shall embrace more than one subject, which shall be expressed in its title (128-300, 150+912).

TIMBER LANDS

6347 to 6352. [Superseded.]

These sections (Laws 1905, c. 204, §§ 7 to 12, as amended by Laws 1919, c. 296, § 1 and Laws 1923, c. 30, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

The state land commissioner in 1899 had no jurisdiction to sell pine timber from state lands, in the absence of full compliance with the requirements of sections 11 and 18 of chapter 163, Laws 1895. 157-7, 195+495.

Decision of commissioner determining whether land chiefly valuable for timber cannot be reviewed in collateral action after patent (100-16, 110+371); or after certificate of sale (109-185, 123+411).

195+497.

62-99, 64+81.

1895 c. 163 § 11 cited (102-470, 113+634; 114+738).

6353. State appraiser and duties—The state auditor is hereby empowered to appoint one or more employees to be known as state appraiser. Whenever it is necessary to appraise state lands under the terms of existing law the state auditor shall appoint as such appraiser on the part of the state land commissioner or state auditor, one of the state appraisers duly qualified as herein provided, who shall except as herein otherwise provided, hereafter perform the duties heretofore devolved upon state land examiners or timber estimators. ('17 c. 162 § 1)

§ 6 repeals inconsistent acts and parts of acts. See § 6394-11, herein.

6354. Timber to be estimated and appraised—The duties of such state appraiser shall be to estimate and appraise timber upon all state lands; to make valuations of lands suitable for agricultural purposes; to check scale timber cut from state lands in trespass either situated upon state lands or removed therefrom; to check-scale any scale of timber cut on state land; to make check scales by the stump and top or any other method of timber removed from state lands; and to perform such other duties as may be assigned to him by the state auditor. Nothing contained in this act, however, shall be construed to in any way amend the provisions of title 1, chapter 38, General Statutes 1866, or any act amendatory thereto relating to the appointment of appraisers by officials other than the state auditor. ('17 c. 162 § 2)

Explanatory note—G. S. 1863, c. 38, Title I related to school lands. These statutes were repealed by R. L. '05, § 5518 (§10952 herein). See § 6394-11.

6355. Oath of office—Each such state appraiser shall before entering upon the duties of his office take and subscribe an oath before a person qualified to administer oaths, 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 state lands or materials improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be made a part of the bond as hereinafter provided for. ('17 c. 162 § 3)

See § 6394-11.

6356. Bond and duties of appraiser—At the time of the appointment of any such state appraiser he shall give a bond to the state in a penal sum of not less than \$5,000 conditioned for the faithful performance of his duties, which bond shall be approved by the attorney general, and together with the oath as hereinbefore provided for, be filed in the office of secretary of state. Such bonds shall be paid for out of the general land, timber, swamp or contingent fund of the auditor of the state.

Every such state appraiser is hereby authorized to arrest any person found trespassing, or to have trespassed, upon state lands and deliver him to the sheriff of the county, and such state appraiser shall immediately enter a complaint before a court of competent jurisdiction in said county charging the person so arrested with such trespass, and the person so charged shall be arraigned and given a hearing on such complaint.

Such state appraiser shall wear when upon duty a badge of office to be designated and provided by the state auditor.

It is hereby declared a misdemeanor for any person not a duly appointed and acting state appraiser to wear a badge or to impersonate or claim to be a state appraiser.

Whenever an appraisal or valuation is made upon lands suited for agricultural purposes, such state appraiser shall place an estimate and valuation of any timber thereon, and make a separate 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 for that purpose, and shall be made a part of the record of the state auditor's office, such entry shall be dated when made and sworn to upon the record at the same time the state appraiser shall file in the state auditor's office all plats and field notes made by him, and affix his signature to each said plat and to each said page of the field notes. Such records shall show that said state appraiser was actually upon the land when such estimate and valuation was made.

No such report shall embrace more than one section or fractional section of land according to the government survey thereof, and shall show the amount of timber upon each forty acre tract or subdivision; provided, however, that as ownership may appear to each subdivision of land so appraised in the various trust funds of the state, so shall all appraisements, sales, and accountings therefor be done according as such title may appear as of record in the office of the state auditor; and provided further, that where appraisals, sales, and accountings heretofore made have not been made in accordance with this provision, the state auditor is authorized to make such apportionment to the various funds as he may deem equitable and just to each such fund, and such apportionment is hereby legalized and confirmed.

The report shall state the amount of each kind of

timber, the value per thousand feet, and the value per piece of all such timber.

In making such estimate and valuation the appraiser shall take into consideration distance of the timber from the nearest lake, stream, or railroad, and the character of the land, what amount, if any, of the timber has been burned, and the extent and character of such burning; the situation of the timber relative to risks from fire or damage of any kind, and the injury which will result in the prospective price that may be obtained in the future by reason of the removal of timber operations contiguous to or in the community of, such tract, thereby leaving such tracts isolated and the value of the timber to the State thereby lessened. ('17 c. 162 § 4)

See § 6394-11.

6357. False reports declared a felony—Every such State Appraiser, who shall make a false report, or insert in any such report a false date, estimate appraisal, valuation quantity or statement of whatever nature; or shall make any such report without having examined the land embraced therein, or without having actually been upon the land; or who in executing his oath of office; or who in stating his qualifications as State Appraiser to the state auditor for the purpose of securing such appointment or who shall insert therein any false statement, shall be guilty of a felony. ('17 c. 162 § 5)

See § 6394-11.

6358 to 6365. [Superseded.]

These sections (Laws 1905, c. 204, §§ 13 to 20, as amended by Laws 1909, c. 476, § 1, Laws 1913, c. 383, § 1, Laws 1917, c. 322, § 1, Laws 1917, c. 325, § 1, Laws 1917, c. 326, § 1, Laws 1917, c. 327, § 1, Laws 1919, c. 485, § 1, and Laws 1923, c. 411, §§ 1, 2) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

163-141, 203+979.

Under 1895 c. 163 § 18 indorsement on appraisal that sale was necessary to protect state from loss held jurisdictional to valid sale (107-54, 119+387).

1895 c. 163 § 18 cited (102-470, 113+634, 114+738).

102-470, 113+634; 114+738; 196-1, 115+162; 107-54, 119+387; 140-48, 167+292.

128-300, 150+912; 145-326, 177+137.

6366. [Superseded.]

This section (Laws 1919, c. 483, § 1) superseded by Laws 1925, c. 276. See infra, §§ 6394-8, 6394-17.

6367. [Superseded.]

This section (Laws 1905, c. 204, § 21, as amended by Laws 1913, c. 530, § 1 and Laws 1919, c. 489, § 1) is superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

102-470, 113+634, 114+738.

Certain state timber permits extended, See '17 c. 36; Ex. Sess. '19 c. 46; '23 c. 281.

6368, 6369. [Superseded.]

These sections (Laws 1917, c. 441) are superseded by Laws 1925, c. 276. See § 6394-1 to 6394-40, herein.

See '23 c. 280 relating to adjustment of timber permits which provided it should not continue after June 1, 1923.

6370 to 6373. [Superseded.]

These sections (Laws 1905, c. 204, §§ 22 to 25, as amended by Laws 1923, c. 31, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

140-70, 167+294; 145-326, 177+137.

106-1, 115+162; 106-534, 115+167.

Cancellation of timber permits before their expiration, authorized in certain cases. See '17 c. 314.

The evidence sustains the finding that the volume tables used in rescaling the timber in controversy were accurate for timber of that character. 163-141, 203+979.

The evidence sustains the finding that no timber taken by trespassers was included in the rescale. 163-141, 203+979.

The evidence sustains the finding that the original scale reported to the state was incorrect and false, and known to be so by those who made it. 163-141, 203+979.

6374. [Superseded.]

This section (Laws 1909, c. 342, § 1) is superseded by Laws 1925, c. 276. See §§ 6394-1 to 6394-40, herein. 163-141, 203+979.

6375, 6376. [Superseded.]

These sections (Laws 1905, c. 204, §§ 26, 27) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein. 122-400, 142+717.

6377.

See note to § 6378, infra. See also, § 6394-25, infra.

6378.

This section supersedes § 6617, infra. See, also, § 6394-25, supra, and note thereunder.

6379 to 6393. [Superseded.]

These sections (Laws 1905, c. 204, §§ 29 to 43, as amended by Laws 1911, c. 194, § 1 and Laws 1913, c. 114, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

106-1, 115+162.

1895 c. 163 § 37 cited (106-1, 115+162).

The state not estopped in an action to recover double value of timber taken because commissioner gave defendant to understand that further extension of permit would be granted, and who proceeded in good faith, and state received payment (102-470, 113+634, 114+738).

Cited (140-48, 167+292).

1895 c. 163 § 40 cited (109-123, 123+54).

This act is applicable to a trespass committed prior to its enactment by one holding a permit to cut timber of not less than a specified size, in cutting timber of a less size.

(128-300, 150+912).

6394. [Superseded.]

This section (G. S. 1913, § 5303) is superseded by Laws 1925, c. 276. See §§ 6394-1 to 6394-40, herein.

Cited (106-58, 118+63).

STATE TIMBER ACT.

6394-1. Laws revised, expanded and superseded—Rights, obligations, etc., arising thereunder—Citation of law—This act shall be deemed and construed as a revision and expansion of, and is intended to supersede and take the place of, Chapter 204, General Laws of Minnesota for 1905, and acts amendatory thereof and supplemental thereto and other laws relating to the same subject matter, but without in any way abridging or destroying the effect of said laws heretofore in force with respect to any right or obligation arising or any matter or thing occurring prior to the taking effect of this act.

This act may be cited as the State Timber Act ('25, c. 276, § 1)

Explanatory note—For Laws superseded, etc., see notes to §§ 6341 to 6394, herein.

6394-2. Definitions—For the purposes of this act the following words and terms have the following meanings, to-wit:

(a) The word "auditor" means the state auditor.

(b) The term "timber board" means the board of timber commissioners, and their successors in authority by whatever name or title designated.

(c) The term "state appraisers" means the same as in Chapter 162, Session Laws of 1917, creating state appraisers, which includes timber estimators and land examiners.

(d) The term "surveyor general" means the state surveyor general of logs and lumber, and the term

"deputy surveyor general" means one of his deputies, as defined in Chapter 440, Session Laws of 1919.

(e) The word "timber" means trees, whether standing or cut or down, logs, posts, poles, ties, paving blocks, laths, shingles, cordwood, and lumber and forest products of every species and description.

(f) The term "merchantable timber" means and includes all logs or pieces from which lumber or forest products of value can be made.

(g) The term "permit holder" means the person holding the right to cut timber under a permit.

(h) The word "person" means and includes any natural person acting in his own right or in any representative capacity, and any corporation, firm, or association of whatever nature or kind; the masculine includes the feminine, and the singular includes the plural, wherever the context so requires to give full force and effect to all the provisions of this act. ('25, c. 276, § 2)

Explanatory note—For Laws 1917, c. 163, see §§ 6353 to 6357, herein.

For Laws 1919, c. 440, see §§ 6603 to 6610, herein.

6394-3. Trespasses on state lands—Damages—Possession of timber unlawfully cut—Civil liability—Trespass as felony—Whoever, without valid permit, shall cut any timber upon the lands owned by this state, 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. But no trespass shall be adjudged casual or involuntary unless some good and sufficient reason shall be shown why the person committing such trespass did not know that the lands on which such timber was unlawfully cut were owned by the state. And any person found to have acquired possession in any manner whatsoever of any timber unlawfully cut on lands owned by this state shall be conclusively presumed to have acquired such timber with knowledge that the same was so unlawfully cut, and shall be liable to the state in a civil action for twice the value thereof, and it shall be no defense in any action to plead or claim a purchase of such timber from anyone other than the auditor, nor shall such defendant be allowed to claim that any other person should be joined as defendant; and he shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in preparing such timber for market or transporting the same to or towards market. And every such trespass wilfully committed shall be deemed a felony. ('25, c. 276, § 3)

6394-4. Possession of lands contrary to conditions or covenants in lease, certificate of sale, permit, etc.—Eviction and damages—Restraining trespass, waste, etc.—If any person holds or continues in possession of any lands mentioned in this act contrary to the conditions or covenants of any lease, certificate of sale, permit, 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. And the commission of trespass or waste upon said lands, or the destruction or removal therefrom of timber or other property may be restrained, enjoined, or otherwise prohibited by any court of competent jurisdiction at the suit of the state pending final determin-

ation of the rights of the state therein, and permanently thereafter, as the facts may warrant. No bond shall ever be required of the state in any such injunctive proceeding. ('25, c. 276, § 4)

6394-5. Prosecutions by Attorney General—Duties of county attorneys—The attorney general shall prosecute, or cause to be prosecuted by the county attorney, whenever the public interest so requires, any person who may be charged with any indictable offense under this act.

The county attorneys of the several counties shall promptly report to the auditor all trespasses committed upon the lands mentioned in this act which may come to their knowledge, and, when directed by the attorney general, shall prosecute all actions for any trespass or injury thereto, and for the recovery of the possession thereof, or otherwise. ('25, c. 276, § 5)

6394-6. Proceeds of sales of timber seized and damages recovered—Disposition of—The net proceeds from all sales of timber seized in trespass and from 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. ('25, c. 276, § 6)

6394-7. Board of timber commissioners—Conditions precedent to sales of timber—The governor, treasurer, auditor, state forester, and attorney general, shall constitute a board of timber commissioners of which the governor shall be chairman and the state treasurer vice-chairman. The auditor shall be ex-officio secretary of the board, and he or his deputy shall attend each meeting and make full minutes of the proceedings, which shall be signed at the close of each meeting by the commissioners present, and shall be kept subject to public inspection in the office of the auditor. The governor and two other members 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 the call of the governor, the question of such sale and shall produce a record of appraisal of such timber made jointly or severally by at least two state appraisers, and the board shall examine the same, together with other documents and records and such witnesses as it may require. If the governor and at least two other members of the board shall so determine, they shall enter upon the record of appraisals a statement, dated and signed by them, that a sale of such timber 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 person or by reason of any combination or irregularity, the interests of the state so demand, he may withdraw his approval of any sale, by and entry signed by him upon the record of appraisals. ('25, c. 276, § 7)

Explanatory note—Powers, etc., of Board of Timber Commissioners transferred to Executive Council. See § 53-3, herein.

State auditor as ex officio commissioner of lands and timber. see §§ 53-19 to 53-23, herein.

6394-8. Same—Powers enumerated—A majority of the timber board, at any meeting thereof, shall have power, in addition to all other powers conferred by this or any other act, to do any of the following things, to-wit:

(a) Determine the number of sections or fractional sections of land to be covered by or described in any one report by state appraisers, or in any one timber

permit issued to the purchaser of stumpage on state lands, or in any one contract or other instrument relating thereto and within the jurisdiction of the board; and grant extensions of such timber permits and contracts, whether heretofore or hereafter issued, for and during such period as the board deems advisable, but otherwise subject to all the provisions of this act. But a condition of any extension shall be that the purchaser shall pay to the state interest at the rate of eight per cent (8%) per annum on the unpaid purchase price, as finally computed on the actual scale or count of such timber at the time of cutting thereof, or if not cut then upon the official estimate thereof at the expiration of such extension. No permit shall be extended more than six years from the date of issuance thereof.

(b) Compromise and settle, with the approval of the Attorney General, upon such terms as it may deem just, any claim of the state for casual and involuntary trespass upon state lands or timber where the full stumpage value of such timber so taken in trespass would not exceed one thousand dollars; provided, that no such claim shall be settled in any case for less than the full stumpage value of all timber so taken in casual trespass or the full amount of all actual damage or loss suffered by a state as a result thereof. Said timber board may also make settlement for not less than the full stumpage value of any timber cut by lessees of state lands holding under Chapter 405, Laws of 1919.

(c) Formulate and establish, from time to time, such rules and regulations as it deems advisable for the transaction of the timber business of the state, and abrogate, modify, or suspend such rules and regulations at pleasure.

(d) Appoint one or more agents or cruisers to gather evidence in any action brought by the state or to investigate the correctness of any state appraiser'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, and may send such agent to examine such timber or lands. Such agents of said timber board, independently of the state auditor and state appraisers, shall report in writing to the Governor, and the money necessary to defray expenses in connection therewith shall be paid upon verified accounts from any funds available for the expenses of said timber board. ('25, c. 276, § 8)

Explanatory note—For Laws 1919, c. 405, see § 6328, herein.

6394-9. Auditor to inquire into timber resources—Protective measures—Advise to board—The auditor shall make thorough inquiry into the extent, character, and value of the timber on all state lands. 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 act, 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. The Auditor shall promptly advise the timber board of any information acquired by him concerning any trespass on state lands, giving all details and names of witnesses. ('25, c. 276, § 9)

6394-10. Sales of timber by auditor—The auditor may sell the timber on the lands in his charge when authorized to do so by the timber board, and not otherwise. When such sale is made, the auditor shall issue to the purchaser a permit, as hereinafter provided, to

cut and remove the same. No sale shall be made before the timber has been estimated and appraised.

But, subject to the restrictions of the state constitution, the auditor with the approval of the state forester or his successor in authority may sell without formalities but for not less than the full appraised value as fixed by any two state appraisers, small amounts of dead, down, dying, or insect infected or diseased timber not exceeding one hundred dollars in appraised value on any forty-acre tract or fractional governmental division of state land; provided, that not more than one such sale shall be made from any one tract in any one calendar year. Every such sale shall be made for cash payable in full in advance, and upon the receipt of such cash the state auditor may informally, by letter or otherwise, authorize the purchaser to cut and remove such timber within one year from the date of sale under the supervision and restrictions as the auditor or any state appraiser by him designated shall deem advisable. The purchaser shall dispose of slashings according to law, shall be liable under this act in trespass for cutting or unnecessarily injuring any timber not included within the sale made to him under this paragraph, and shall be otherwise subject to all the laws governing the sale and removal of state timber so far as practicable. ('25, c. 276, § 10)

6394-11. State appraisers—Duties and powers—Reports, books and records—Superintendent of state timber—State appraisers appointed pursuant to Chapter 162, Session Laws 1917, and acts amendatory thereof or supplementary thereto, may perform any of the duties specified in said act and amendments, and in addition thereto shall perform any and all other duties which the state auditor may require of them in connection with state lands and timber. Such appraisers are hereby also empowered to rescale, check-scale, or otherwise test the accuracy of scaling of state timber done by the surveyor general or his deputies as required of the auditor by Section 3 of Chapter 440, Session Laws 1919; to appraise and place a valuation upon any state lands or any state timber or any interest therein anywhere; to cruise and estimate any standing timber, and scale or rescale or check-scale any cut timber, in which the state is interested; to examine any state lands from which timber has been cut and ascertain by count, by scale (either by stump or stump and top or other appropriate method), by cruise and estimate, or by any other reasonably accurate means, the amount of timber cut and removed from or left cut or standing upon such lands, and to report the same to the auditor; with the consent of the auditor to perform any of the duties of a deputy surveyor or general when designated or requested so to do by the surveyor general; and generally to supervise the cutting and removal of timber on or from state lands so far as may be reasonably necessary to insure compliance with the terms of the permits or other contracts governing the same and protect the state from loss.

The form of reports to be made and books, records, and notes to be kept by state appraisers shall be adequate to record the amounts, kinds, and descriptions of all timber cut from state lands by them reported upon, and otherwise to carry out the provisions of this act, and shall be such as the auditor designates and prescribes. All such reports, books, records, notes, etc. (except such as are made by any appraiser acting as a deputy state surveyor general) shall be filed in and shall become a part of the records of the office of the auditor; and the originals or copies thereof certified

by the auditor shall be deemed prima facie true and correct and shall be admissible in evidence in all the courts of this state. The books, records, notes, and reports of any state appraiser, when examined and approved by the surveyor general or when made while acting as deputy surveyor general, may be filed in the office of the state surveyor general and shall be admissible in evidence by certified copy or otherwise to the same extent and shall have the same effect in all respects as though made by a regular deputy surveyor general.

The auditor may designate some properly qualified employe of his department to act as superintendent of state timber, and to perform such duties in that connection as said auditor shall prescribe. Such superintendent of state timber shall give a good and sufficient surety bond, in form to be prescribed by the attorney general and in the penal sum of not less than twenty-five thousand dollars, conditioned upon the faithful and honest performance of his duties as such superintendent of state timber. But the auditor shall also be responsible for the acts of such superintendent, and may remove or replace him at pleasure. At the discretion of the auditor such superintendent may be charged with general supervision over all state appraisers, but subject always to the superior control of the auditor. ('25, c. 276, § 11)

Explanatory note—For Laws 1917, c. 162, see §§ 6353 to 6357, herein.

For Laws 1919, c. 440, § 3, see § 6605, herein.

6394-12. Rescales recounts and re-estimates of timber by auditor and surveyor general—Upon complaint of any interested permit holder questioning the accuracy of any scale, count or estimate of timber made by any state appraiser, the auditor, at his discretion, or of his own motion when no complaint is pending, may cause a rescale, recount, or re-estimate thereof to be made jointly by any two or more state appraisers (but shall not be deemed obligated to do so in any case), which, when made, shall supersede and for all purposes take the place of said original scale, count, or estimate, if and only when the same varies more than ten per cent from said original. But as a condition precedent to the making of any such rescale, recount, or re-estimate, upon the complaint of any person, the auditor at his discretion may require such person to make irrevocably available such sum of money as said auditor deems necessary for the actual expenses thereof, and to forfeit same to the state if such rescale, recount, or re-estimate does not vary more than ten per cent from the original. All such forfeited money shall be paid into the state treasury and credited to the fund or account from which the expenses of such rescale were paid.

In like manner, upon the same conditions, and with like effect, the surveyor general may at his discretion cause a rescale to be made of any timber originally scaled by a deputy surveyor general. ('25, c. 276, § 12)

6394-13. Timber to be sold at public auction—Place and notice of—Lists—Posting and copies—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 otherwise hereinafter provided, shall be held at the state capitol in St. Paul, Minnesota. The auditor shall give three weeks' published notice thereof in one or more daily newspapers, published in each city of the first class, and also in his discretion may give preliminary or further notice thereof by the publication of display advertisements or other notices in any

newspaper, if in his judgment the same will give information of such sale to prospective bidders for such timber.

At least 30 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, and of the appraised price of each kind of timber thereon, as shown by the official estimate. No description shall be added after the list is compiled and posted as herein provided, and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all interested applicants. A copy of such list shall be conspicuously posted in the office of the auditor and in the office of the county auditor of each county in which any of said lands are situated at least thirty days prior to the date of sale, and extra copies of such posted lists shall be furnished to each county auditor for distribution to applicants. The published notice of sale shall make reference to the posted lists for a description of the lands from which timber is offered for sale and of the kinds and estimated quantity thereof. ('25, c. 276, § 13)

6394-14. Sales of stumpage—Notices—The timber board may authorize the auditor to sell the stumpage on any tract of state land at public auction to the highest bidder, at the county seat of the county in which such tract is located. He shall give three weeks' published notice of any such sale in a paper published at the county seat of the county where such land is situated. He may also give such other published or posted notice as he deems proper to reach prospective bidders or purchasers. The required notice of sale first above mentioned shall contain a description of each tract of land upon which is situated any timber that is to be offered, and a statement of the estimated quantity of each kind of timber thereon, and of the appraised price of each kind of such timber, per M. feet, or per piece, or per cord, as the case may be. ('25, c. 276, § 14)

6394-15. Number of sales of timber in each year—Except as provided in this and the preceding section, there shall be only one sale of timber in each year, which shall be held not later than November 1st, and may be adjourned from day to day, but no longer, until complete; provided, that in case of emergency, if the timber board shall unanimously determine that it is for the best interests of the state that more sales shall take place before the next regular sale, they shall be held under the same regulations, so far as practicable as are provided for regular sales. ('25, c. 276, § 15)

6394-16. Manner of sale of log timber, etc.—Payments for by purchasers—Resales—All state timber estimated and appraised as log timber shall be offered and sold by the thousand feet; timber estimated and appraised as tie, or pole or post timber shall be offered and sold by the tie, or pole, or post, as the case may be; timber estimated and appraised as pulpwood, or lath bolts, or mine lagging, or wood for fuel purposes, shall be offered and sold by the cord; all cords to be single cords. The sale shall be made to the party who shall bid the highest price for all the several kinds of timber as advertised. The purchaser at any sale of timber shall immediately upon the approval of his bid pay to the state treasurer 25 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 he shall be liable therefor to the state in a civil action; and the auditor may reoffer said timber for sale as though no bid therefor had been made. ('25, c. 276, § 16)

6394-17. Permits to purchasers to cut and remove timber—Contents—Filing—Duties and rights of purchasers under—State marks, etc.—Upon the delivery and filing of the duplicate receipts mentioned in the preceding section, the auditor shall issue a numbered permit to such purchaser, 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 act. Such permit shall be correctly dated and executed by the auditor, and signed by the purchaser. Such permit shall cover one or more logging seasons as the timber board shall specify, and the timber shall be cut and removed within the time specified therein. 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 per thousand feet, per cord, per piece, or by whatever description sold, and shall specify the state marks to be used thereon. Such marks shall be M I N and the permit number. The permit shall provide that the purchaser shall plainly place the specified marks upon the end of every piece of timber cut, and that, in case of any failure to place said marks upon any such piece, the state shall have the right to take possession of the same wherever found. The permit may provide that the purchaser or permit holder may place his own mark upon timber cut under such permit only after the state marks shall have been first plainly placed thereon; but no such mark of the purchaser shall in any way encroach upon, obliterate or obscure the state marks or any part thereof; nor shall any figure be used by the purchaser as his mark or any part thereof. The permit shall contain such other provisions as may be necessary to secure to the state the title of all timber cut thereunder, wherever found, until full payment therefor, and until all provisions of the permit have been fully complied with. The permit shall provide that from the date the same becomes effective until the expiration thereof (including all extensions) the purchaser and his successors in interest shall be liable to the state for the full permit price of all timber covered thereby, notwithstanding and regardless of any subsequent damage or injury thereto or trespass thereon or theft thereof, and without prejudice to the right of the state to pursue such timber and recover the value thereof anywhere prior to payment therefor in full to the state. But upon recovery from any person other than the permit holder, the latter shall be deemed released to the extent of the net amount (after deducting all expenses of collecting same) recovered by the state from such other person. The permit shall also provide that all timber standing on the land and sold shall be cut; that the same shall be cut clean without damage to other timber; that the purchaser shall remove all timber authorized to be cut under the permit; that timber sold by board measure but later determined by the state auditor not to be convertible into board measure may be charged for (and shall be paid for) by the piece according to the size, species, or value of each piece or cord, as may be determined by the timber board; that the purchaser shall pay to the state the permit price for all timber authorized to be

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cut, including timber which he fails to cut and remove, together with all fees of the surveyor general for scaling same; that the purchaser shall, in writing, notify the surveyor general and also the auditor, at least fifteen days before any cutting is done, at which 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.

The permit shall provide that the purchaser shall make a report in writing to the auditor under oath, enumerating and stating the amounts of timber cut under such permit; the kinds of timber removed and the amounts of each in board feet, per piece, in cords, or any other dimension, in the manner and forthwith whenever so required by the auditor. Any false return or report made to the auditor by any such purchaser or permit holder, or by any one representing him, shall constitute a gross misdemeanor.

The permit shall provide that the auditor shall have power to order suspension of all operations under the permit at any time, and any timber cut or removed during such suspension is hereby declared to be cut in trespass. The permit shall further provide that the timber board may cancel the permit at any time when in its judgment the conditions thereof have not been complied with, and such cancellation shall constitute repossession of the timber by the state. The purchaser shall remove his equipment from such land within ninety days thereafter. The permit shall further provide that if the purchaser at any time fails to pay any obligations to the state under all or any other permits, then any or all his permits may be cancelled. The permits shall also provide that any timber removed in violation of the terms of the permit or of any law shall constitute trespass. A provision shall be contained in the permit that the statute of limitations shall not prevent the bringing of any action or proceeding, either civil or criminal, growing out of any violation of any provision of this act, and no statute of limitations shall so operate. The permit shall provide that the purchaser and his successors in interest shall burn or otherwise dispose of all slashings, or other refuse resulting from cutting operations, in the manner now or hereafter provided by law. The permit shall further provide that at any time the state may bring an action or suit to restrain, enjoin, and prohibit the further cutting or removal of timber or the further entry of the permit holder or his representatives upon any of the lands covered by the permit, whenever in the opinion of the attorney general any of the terms of the permit are being or have been violated, which suit shall be without prejudice to any other action or proceeding on behalf of the state.

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 the auditor. The timber board, state forester, attorney general, and state auditor, or any of them, are hereby specifically empowered to enforce all provisions and all conditions contained in any timber permit executed pursuant to the provisions of this act. ('25, c. 276, § 17)

Explanatory note—Laws 1925, c. 19 reads as follows: "Section 1. The State Board of Timber Commissioners in its discretion, upon the approval of the auditor thereof, may renew and extend to June 1, 1927 any timber permit heretofore issued by the auditor between October 15, 1919, and December 21, 1922, both dates inclusive.

"Sec. 2. Any permit extended under the provisions of this act shall be subject to the charge of eight (8) per cent per annum interest on the entire unpaid purchase price and the destruction of the timber by any cause during the period of such extension shall not relieve

the purchaser for payment of the same, and said purchaser shall be liable to the State therefor as provided for in Section 5278, General Statutes of 1913."

6394-18. Bonds of purchasers—Liabilities on—Subrogation—The purchaser of any state timber, before any permit to him shall become effective for any purpose, shall give a good and valid bond to the state of Minnesota in double the value of all timber covered, or to be covered by said permit, as shown by the sale price bid therefor and the record of appraisal thereof as to quantity, which bond shall be conditioned for and upon the faithful performance by said purchaser and his successors in interest of all the terms and conditions of said permit and all requirements of law in respect to such sales; and said bond shall be approved in writing by the state auditor and filed for record in his office. No person directly or indirectly interested, in law or in equity, in the purchase of said timber shall be accepted as a surety on such bond.

In case of default in payment by the permit holder, the surety upon his bond may make payment in full to the state of all sums of money due under such permit; and thereupon such surety or sureties shall be deemed immediately subrogated to all the rights of the state in, or to, or in respect of, all the timber so paid for; and such subrogated party may pursue said timber and recover therefor, or have any other appropriate relief in relation thereto, which the state might or could have had if such surety had not made such payment. No assignment or other writing on the part of the state shall be necessary to make such subrogation effective; but the certificate of the state auditor, under his hand and official seal, showing the amount of such timber, the lands from which it was cut or upon which it stood, and the amount paid therefor, shall be prima facie evidence of such facts. ('25, c. 276, § 18)

6394-19. Permits assignable—Bonds and rights of assignees—Any permit may be assigned, but only as herein provided. The assignment of any permit shall be in writing, signed and acknowledged by the permit holder. No assignment shall be operative without the approval of the auditor, who, if he shall approve the same, shall endorse 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 of, and shall be deemed of the same effect as, the bond required of the original purchaser; but the original bond given by the purchaser and any bond given by any prior assignee shall remain in full force. Provided, however, that the auditor in his discretion may accept the agreement of the assignee and any corporate surety upon such original bond, substituting the assignee in the place of such original purchaser and continuing such original bond in full force and effect as to such assignee. Thereupon, but not otherwise, the permit holder making such assignment shall be released from all liability arising or accruing from things done after such assignment became effective. ('25, c. 276, § 19)

6394-20. Sales void, when—Refunds—Any sale of timber made by fraud or mistake or in violation of the provisions of this act shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. In case of mistake the amount so paid shall be refunded to the purchaser; or at his request the auditor may credit such refund as payment upon any other timber purchased by said permit holder. ('25, c. 276, § 20)

6394-21. Purchase money forfeited, when—If the purchaser of any timber, or his assignee, fails to cut

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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. ('25, c. 276, § 21)

6394-22. Scaling of timber by surveyor general—Reports thereof—Final examinations of land and timber covered by permits—The surveyor general shall scale all timber cut on lands in charge of the auditor, except as expressly provided otherwise in this act. 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. No state timber shall be removed from the land where it was cut, until it has been so scaled or counted. Any person removing any such timber from the land where it was cut before it has been so scaled or counted shall be deemed guilty of a felony, and may be prosecuted criminally therefore.

The surveyor general shall make to the auditor separate reports of all such timber by him scaled, covering the respective permits. Each report shall describe the land on which the timber was cut, and state the names of the persons cutting, the person for whom the cutting was done, and the person hauling the timber, the quantities of each kind or species of timber, the state marks used thereon, the number of logs or pieces, and the total number of feet or other units of measurement as the case may be. Each report shall also state specifically whether the scaling was done upon the land from which such timber was cut; whether the cutting was done without unnecessary waste or damage; whether all timber cut has been scaled and reported and whether said timber has been marked with the state marks specified in the permit. The surveyor general shall also report to the auditor any trespass coming to his knowledge.

Final examination of lands and timber covered by any permit may be made by any state appraiser at or subsequent to the expiration of the permit or of any cutting season, and it shall be the duty of such appraiser to ascertain and report the amount of any timber covered by the permit and cut and left on said land or left standing thereon, but he shall not report any timber cut and left which has been marked as scaled by the surveyor general. Such final report of such state appraiser shall be deemed supplementary to the report of the surveyor general, and shall have the same force and effect as though made by the surveyor general.

In the making of any scale of state timber such allowance shall be made for defects therein as will make the same equal to "merchantable" timber as defined in Section 2 of this act. ('25, c. 276, § 22)

Explanatory note—For section 2, see supra. § 6394-2.

6394-23. Deputy surveyors general—Appointment, etc.—For the purposes of carrying out the provisions of this act, the surveyor general may appoint and at pleasure discharge or remove as many deputies as he deems necessary; and any such deputy may do anything required of the surveyor general by this act, but subject to the limitations, conditions, and penalties set forth in Chapter 440, Session Laws 1919. ('25, c. 276, § 23)

Explanatory note—For Laws 1919, c. 440, see §§ 6603 to 6610, herein.

6394-24. Rescales on demand of auditor—If the auditor shall question any scale of state timber made by

the 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 one or more state appraisers designated by the auditor for that purpose, shall make a correct scale of all timber authorized to be cut from said tract in question, 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 surveyor general and such state appraisers agree upon the scale, shall be final and binding upon the state and the purchaser. The state shall pay the surveyor general the sum of \$5.00 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.

Any rescale of state timber, either by state appraisers or (and) by the surveyor general or his deputies, may be a stump scale or a top and stump scale. ('25, c. 276, § 24)

6394-25. Fees and charges for scaling state timber—Liability for—Recovery—The fees and charges of the surveyor general and his deputies for scaling state timber shall be as provided in Chapter 440, Session Laws of 1919, and acts amendatory thereof and supplementary thereto, which are hereby confirmed. The surveyor general may bring any legal action or proceeding against any permit holder or the surety on his bond, or either or both of them, to enforce payment of any amount due him from such permit holder. The liability of the permit holder and his predecessors and successors in interest and their respective sureties for payment of such fees and charges of the surveyor general shall be co-extensive with their liability for payment of the purchase price of timber sold under the permit. ('25, c. 276, § 25)

Explanatory note—For Laws 1919, c. 440, see §§ 6603 to 6609, infra. Section 6617 (G. S. 13, § 5464, R. L. '05, § 2574; Laws 1903, c. 346, §§ 2, 3) fixes a schedule of fees and mileage of the surveyor general for scaling logs, timber and lumber. Section 6678 (Laws 1907, c. 314, § 2), supra, also fixes a schedule of fees and mileage of the surveyor general for scaling logs, timber and lumber, which supersedes § 6617, infra.

6394-26. Scaling timber for state—By whom performed—Scales, etc., how changed—Settlement or compromise of state claims for timber from state lands—Offenses by surveyor general, deputies and state appraisers—Penalty—Not to be reappointed—No state timber shall ever be scaled for or on behalf of the state by any person except a state appraiser, or the surveyor general or one of his deputies. No scale, count, measurement, or estimate of state timber officially made and reported by any state appraiser or the surveyor general or any deputy surveyor general shall ever be changed or altered by any other person, nor superseded or set aside in any manner except as expressly provided in this act. But reappraisals of unsold state land or timber may be made whenever and as often as deemed advisable by the auditor. Except as herein expressly provided and as generally authorized by Section 67, Revised Laws 1905 (being Section 112, General Statutes 1913), no claim of the state for timber from state lands shall ever be settled or discharged for less than the full amount thereof as shown by the scale or estimate of the surveyor general, or (and) of state appraisers as the case may be.

Any surveyor general or deputy surveyor general or

state appraiser who shall accept any compensation or gratuity for his services as such from any other source except the State of Minnesota, or who shall 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 any trespass committed upon state lands which has come to his knowledge, or who shall conspire with any other person in any manner by act or omission or otherwise to defraud or unlawfully deprive the State of Minnesota of any land or timber or the value thereof, shall be guilty of a felony. Any material discrepancy between the facts and the scale returned by any such person scaling timber for the state shall be considered prima facie evidence that such person is guilty of violating this statute.

No state appraiser or surveyor general or deputy surveyor general who has been once discharged for cause shall ever again be appointed. But this provision shall not apply to resignations voluntarily made by and accepted from such employes. ('25, c. 276, § 26)

Explanatory note—For Gen. St. 1913, § 112, see § 122, herein.

6394-27. Marking timber cut on state lands—Sale, etc., without marking a gross misdemeanor—Every person who shall cut timber on state lands, and fail to mark the same as provided by law and the permit under which the same was cut, or shall place any other mark thereon except as provided in this act, 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. ('25, c. 276, § 27)

6394-28. Auditor's record of timber sales—Entries in—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. ('25, c. 276, § 28)

6394-29. Auditor's stumpage book—Entries in—The auditor shall keep a stumpage book in which he shall enter a description of each tract of land from which any timber is sold; the name and date of the report of the state appraisers; the kind, amount, and value of the timber as shown by such report; the date of approval of the sale of the timber; the date of the sale; the price for which the timber was sold; the name of the purchaser; the number, date of issuance and date of expiration of each permit; 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 assignee; the names of the sureties thereon; the amount of timber taken from the land; the date of the report of the surveyor general and state appraisers; the marks used upon the timber as reported; the names of the deputy surveyor general and the state appraisers who scaled the timber; the amount paid for such timber and the date of payment, together with a specific reference to all correspondence relating to the land covered by the permit. ('25, c. 276, § 29)

6394-30. Statements by auditor of timber cut under permits—Payments by purchasers—Title passes, when—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, and shall place in the hands of the state treasurer a duplicate thereof. Payment of such amount shall be made by the purchaser

or assignee, as the case may be, to the treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the auditor. Any partial payment received may be applied to any items on the statement as the auditor shall determine.

Whenever actual cash in the full amount due under such permit for said timber shall have come into the state treasury in payment thereof, but not before, the title to said timber shall pass from the state. ('25, c. 276, § 30)

6394-31. Deferred payments—Interest on—Collection—Sale of timber for—Sureties on bonds not released—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 to collect the same. Whenever the auditor shall deem it for the best interest 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 amount 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 act, 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. ('25, c. 276, § 31)

6394-32. Timber unlawfully cut or removed from state lands—Auditor to take possession of and sell—The auditor shall take possession of any timber heretofore or hereafter unlawfully cut upon or taken from, any land owned by the state, wherever found, and may sell the same at public auction after giving such notice as he deems reasonable, and after deducting all the expenses of such sale the proceeds thereof shall be paid into the state treasury to the credit of the proper fund; and whenever any timber so unlawfully cut has been intermingled with any other timber or property so that it cannot be identified or plainly separated therefrom the auditor may so seize and sell the whole quantity so intermingled, and in such case the whole quantity of such timber shall be conclusively presumed to have been unlawfully taken from state land. But when the timber unlawfully cut or removed from state land is so seized and sold such seizure shall not in any manner relieve the trespasser who cut or removed, or caused the cutting or removal of any such timber, from the full liability imposed by this act for the trespass so committed, but the net amount realized from such sale shall be credited on whatever judgment is recovered against such trespasser, and in addition to any other penalty provided by law, any person who shall remove, transport, carry away, conceal or convert to his own use any timber unlawfully cut on state lands, knowing the same to have been so cut, shall be guilty of larceny of the same and may be prosecuted and punished accordingly in the county where said property was cut or in any county into or through which said property or any part thereof may be removed; and when any corporation is guilty of the acts

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herein declared to be larceny each officer of such corporation shall individually and severally be deemed guilty of such larceny.

So far as permitted by the state constitution, the auditor, or any employe by him authorized, may determine the manner and method of sale or disposal of any timber seized hereunder and said auditor, or any employe by him authorized, may provide for the transportation of all such timber to available markets or places for advantageous sale thereof or to places suitable for storage or preservation thereof, or may do such other things as seem reasonably necessary to realize ultimately the largest net price therefor. All reasonable and necessary expenses so incurred shall be deemed a part of the expenses of sale of such seized timber and shall be paid from the proceeds thereof. The auditor shall keep and enter upon his books a detailed account of all expenses so paid. But the auditor may advance from the moneys appropriated for the expenses of said auditor all reasonable and necessary expenses incident to such transportation, sale, or preservation of such seized timber, but said advances shall be returned to said auditor's appropriation as soon as sufficient money is received therefor from the proceeds of the sale of such timber. ('25, c. 276, § 32)

6394-33. Auditor's record of trespasses—The auditor shall keep a book in which he shall enter all trespasses reported, with the minutes of all estimates and appraisals and settlements thereof, together with references to any correspondence relating thereto. But such record may be made in connection with the timber sales book or stumpage book required by this act to be kept, if the auditor so elects. ('25, c. 276, § 33)

6394-34. Rewards for apprehension of trespassers—The following rewards shall be paid to any person or persons giving to the proper authorities any information which shall lead to the detection and conviction of any persons violating any of the provisions of this act, to-wit: \$25.00 reward if the value of the timber so unlawfully cut or removed shall not exceed the sum of \$25.00; \$50.00 reward if the value of timber shall not exceed \$50.00; and \$100.00 reward if the value of such timber shall exceed the sum of \$100.00; and the court before whom such person or persons so violating the provisions of this act shall have been tried shall, upon application of any person claiming to be entitled to such reward, examine such claim in a summary manner, and determine whether or not such person claiming said reward is entitled to the same, and if it should appear to the satisfaction of said court that such person claiming such reward is entitled to the same, then and in that case a certificate of such facts shall be made by such court and delivered to said person, which shall be deemed evidence of his right to such reward. The timber board shall pay same from any funds appropriated for expenses of said board. ('25, c. 276, § 34)

6394-35. Loggers' notices—Posting—Failure to post—Penalty—Rewards to informers—Every person engaged in the cutting of timber upon any of the land belonging to the state, shall, before cutting any such timber, post in a conspicuous place in any camp or other building occupied by his employes engaged in such cutting, or if there be no such building then on and at the northwest corner of each forty-acre governmental subdivision or at the nearest corresponding point in each fractional subdivision, a notice which shall contain a full description of the lands proposed by him to be cut, the period during which the cutting is pro-

posed to be done, and which said description shall contain the precise description of said land by forty-acre tracts, or fractions thereof by governmental subdivisions, and shall include the section, town, and range; and such person or persons so engaged in cutting timber as aforesaid shall be required to keep said notice conspicuously posted in such place during the entire time that he is engaged in cutting such timber; and before cutting any such timber he shall forward by registered mail a copy of such notice with his post-office address to the state forester at the state capitol, St. Paul, Minnesota. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than twenty days nor more than ninety days.

Any person or persons giving to the proper authorities information which shall lead to the conviction of any person guilty of a violation of this section shall receive the sum of twenty-five dollars (\$25.00) reward, to be ascertained and paid in the manner provided herein for the payment of the rewards under the last preceding section (34) of this act. ('25, c. 276, § 35)

6394-36. Auditor's records as notice—The records kept by the auditor pursuant to this act shall be deemed notice of the facts therein set forth. And all such records shall be prima facie true and correct. ('25, c. 276, § 36)

6394-37. Statutes of limitations not applicable—Venue of civil or criminal proceedings—The statutes of this state limiting the time for bringing either civil or criminal actions shall not apply to any action brought by the state for trespass upon any of its lands, or for violating any of the terms of the permit under which timber is removed from state lands, or for failure to pay the state for all the timber removed under any such permit, or to any criminal prosecution instituted under this act. Any civil action brought under this act may, at the election of the attorney general, be brought in any county in this state. ('25, c. 276, § 37)

6394-38. Laws not affected—Nothing in this act shall be deemed or construed as authorizing the sale, cutting, or removal, or as excusing damage or injury to any timber reserved to the state and set aside for any purpose, including state forests set aside under Section 7 of Article 8 of the constitution of Minnesota and laws enacted in furtherance thereof, except as provided in the laws directly relating to such reserved timber.

All persons cutting or removing state timber shall be subject to all laws now in force or hereafter enacted governing the burning and disposition of slashings or other debris resulting from timber operations, and concerning forest fires, including the setting or spreading or prevention or control thereof or liability therefor. ('25, c. 276, § 38)

6394-39. Laws repealed—All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed so far, and only so far, as necessary to give full force and effect to this act. ('25, c. 276, § 39)

6394-40. Partial invalidity of law—If any section or provision of this act shall be held unconstitutional by any court, all other sections and provisions shall nevertheless be deemed as effective as though such unconstitutional section or provision had never been inserted in this act. ('25, c. 276, § 40)

MINERAL LANDS

6395. Reservation of minerals and water powers—The state hereby reserves for its own use all the iron, coal, copper, gold and other valuable minerals, and all water powers 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. (R. L. § 2483, amended '09 c. 109 § 1) [5304]

1889 c. 22 and amendments, substantially re-enacted by R. L. §§ 2483-2495 [6395-6413], were constitutional (99-220, 108+958). Private contracts excepting ores and minerals from grants are valid (115-239, 132+205). Cited (124-271, 144+960).

6396. 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. (2484) [5305]

6397. Patent, etc., under land grant to railroad—Reservation—In all cases where the state of Minnesota shall execute any patent or conveyance of lands under any land grant heretofore made to any railroad company to aid in the construction of any railroad there shall be expressly reserved to and retained in the state of Minnesota all the iron, coal, copper, gold and other valuable minerals in or upon all such lands and the state auditor is hereby prohibited from executing or delivering any patent or instrument of conveyance which shall not contain the reservations aforesaid. ('13 c. 6 § 1) [5306]

6398. 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. (2485) [5307]

6399. Holder of permit or lease—In all cases where state lands have been heretofore, or may hereafter be sold pursuant to the provisions of law, upon which minerals have been reserved, the holder of any mineral permit or lease, subsequently issued thereon, may nevertheless enter upon the same and prospect thereon thereunder. ('07 c. 411 § 1) [5308]

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

6400. Same—Security for damages—Condemnation—Before entering upon the same he shall pay or secure to the owner of such lands all damages which may arise therefrom, and the same may be determined either by mutual agreement or, if the interested parties cannot

agree, then the holder of such mineral permit or lease may, in the name of the state of Minnesota institute proceedings to condemn the same, in accordance with the general provisions of chapter 41, Revised Laws 1905, or amendments thereto; provided, that the state of Minnesota shall bear no part of the cost of such proceedings, nor pay any part of the damages awarded therein. ('07 c. 411 § 2) [5309]

The provisions of R. L. 1905 c. 41 are included in chapter 41 hereof.

6401. Reservation of minerals under meandered lakes, etc.—That all iron ores and other minerals on, in or under lands within this state, which lie beneath the waters of meandered public lakes and rivers, belong to the state, together with the right to enter upon such lands and explore for and mine and remove such iron ore and other minerals and that the state now has and since its organization has had the right to sell, lease or otherwise use or dispose of such mineral lands and such iron ores and other minerals in the same manner as any other mineral lands, ores or minerals belonging to the state, and that the title of the state to such iron ore or other minerals, together with the right to explore for, mine or remove the same, shall not be affected by the subsequent drying up of such lakes or rivers. ('09 c. 49 § 1) [5310]

6402. Pending applications—Applications for mineral leases and contracts now pending and on file in the land department of the state auditor's office shall not be recognized as valid or existing by reason of anything contained in this act. ('09 c. 49 § 2) [5311]

6402-1. Rights under permits—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. ('09, c. 49 § 3) [2489]

Explanatory note—This section is § 3 of Laws 1909, c. 49, which relates to ores on, in or under lands, beneath the waters of meandered public lakes and rivers. It was omitted from Gen. St. '23 as being repealed by Laws 1921, c. 412, § 16 (§§ 6404 to 6415). Laws 1921, c. 421, by its title expressly excepts from its operation lands "situate under the waters of any public lake or river." This section, then, is obviously not repealed by Laws 1921, c. 421.

6403. Permits to prospect for iron and other ores—Leases—Auditor may issue—The state auditor may execute permits to prospect for iron ore and other ores upon lands belonging to the state, or in which the state has an interest, and leases for the mining of such ores, subject to the conditions hereinafter provided. ('21, c. 412, § 1; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—Powers, etc., conferred by this act ('21, c. 412, §§ 6403 to 6418, herein), transferred to Executive Council. See § 53-3, herein.

'21 c. 412 § 16 repeals all inconsistent acts and parts of acts. (See G. S. '13 §§ 5312 to 5319).

6404. Division of lands into mining units—The state auditor shall divide all lands belonging to the state, or in which the state has an interest, excepting lands situate under the waters of any public lake or river, into mining units of not to exceed in the aggregate two contiguous forty-acre tracts of land, unless some of the descriptions are fractional sub-divisions according to the government survey thereof, in which case the acreage may exceed eighty acres, but shall not exceed a total of ninety acres, provided that in case of lands containing low grade magnetite ore deposits, the total

area shall not exceed three contiguous units. No mining unit herein provided for shall contain lands belonging to more than one permanent trust fund. ('21, c. 412, § 2; amended '25, c. 395; '27, c. 389, § 1)

6405. Notice of sales of permits—Publication—The state auditor shall give public notice of sale of permits of four weekly publications in a daily paper printed and published in each of the cities of St. Paul, Minneapolis, Duluth, Hibbing, Virginia. The same notice of sales may be published in not to exceed two additional newspapers and two trade magazines as the state auditor may from time to time direct. The last publication above provided for shall be not less than seven days before the first day of June of each year. Said published notice shall contain the following information:

1. Time and place of holding said sales.
2. The general requirements provided by law as to the purchasers of permits.
3. Place where list of lands, arranged in mining units upon which applications for permits to prospect for iron ore may be obtained. ('21, c. 412, § 3; amended '25, c. 395; '27, c. 389, § 1)

6406. Applications for permits—Bids—Acceptance or rejection—Awards—Applications for permits to prospect for iron ore shall be presented to the state auditor in writing in such form as he may prescribe at any time prior to the time of opening the bids as hereinafter provided. The application shall be accompanied by a certified check payable to the state treasurer in the sum of fifty dollars (\$50), for each mining unit as set out above. Each application shall be accompanied also by a sealed bid setting forth the amount of royalty per gross ton of crude ore based upon the iron content of such ore when dried at 212 degrees Fahrenheit, as set out in detail hereafter, that the applicant proposes to pay to the State of Minnesota in case the permit shall be awarded to him. A separate sealed bid shall be required for each mining unit as established by the state auditor, covered by the application, and be accompanied by a certified check made payable to the state treasurer in the sum of two hundred dollars (\$200) as a guarantee that the applicant will carry out and perform in good faith all the covenants set out in such permit. The envelope containing each bid shall be plainly marked on the outside showing the date of application, date received by the state auditor, and the name of the applicant. The state auditor shall endorse upon each application and sealed bid the exact time of presentation, and shall preserve the same unopened in his office. On the second Monday of June of each year beginning with June, 1927, at eleven o'clock in the forenoon, in the office of the governor in the State Capitol, in St. Paul, the state auditor shall publicly announce the number of applications and bids received. The auditor, together with the Executive Council shall then publicly open said bids and announce the amount of each bid separately, and shall award the permits to the highest bidder, but no bids shall be accepted that shall not equal or exceed the amounts provided for in Section 7 of this act, nor shall any bid be accepted that shall not comply with the law and be accompanied by a certified check for the faithful performance of the terms of each permit as hereinbefore set out. The right is herein reserved to the state to reject any and all bids. All applications for permits and bids not accepted at such sale shall become void at the close of such sale, and the checks accompanying such applications and bids shall be re-

turned to the applicants entitled to them. ('21, c. 412, § 4; amended '25, c. 395; '27, c. 389, § 1)

6407. Rights and duties of permit holders—Prospecting work—Cancellation of permits—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. The work of prospecting under such permit shall begin in a substantial manner within ninety days from the date thereof and shall be continued until the permit expires, is surrendered or a lease asked for. The holder of such permit shall report in writing to the auditor on the first business day of each April, July, October and January, the progress of the work of prospecting and accompany such reports with blue prints showing the character and extent of the work done, the nature of materials encountered in such work and the analysis for iron, silica, phosphorus, alumina and manganese of all iron bearing formation encountered. The permit holder shall split all samples taken and furnish the auditor or his representative from time to time as the auditor or his representative shall direct, with a portion of such samples, properly marked for identification. The work done by the permit holder shall be subject to inspection at all reasonable times by the auditor or his representatives. The permit to prospect for ore is granted upon the express condition that if the permit holder shall fail to perform any of the terms, covenants or conditions in such permit to be performed by him, then it shall be the duty of the state auditor to cancel such permit, first having given said permit holder at least twenty days' notice in writing thereof. Provided, that for the purpose of encouraging the search for iron ore in localities five miles or more from known tonnages of iron ore or ore bearing materials not being operated on a commercial scale, the permit above provided for shall be for a period of two years and the holder thereof shall be required to begin the work of prospecting in a substantial manner within six months from date thereof. ('21, c. 412, § 5; amended '25, c. 395; '27, c. 389, § 1)

6408. Leases to permit holders—Royalties—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 state auditor a mining lease, which shall bind the state and the person to whom it shall be issued to the mutual observance of the obligations and conditions thereof. As a condition precedent to the issuing of such mining lease, the holder of the permit shall file a full report properly verified, of all work of exploration done under such permit, in accordance with the provisions of Section 5, or an affidavit in case no work was done stating such facts, and shall pay to the state treasurer a sum of money based on the quarterly royalty payment of \$312.50 for the first year, as set out in the lease, in the ratio that the unexpired portion of the quarter bears to the full quarter. Provided that the holder of any permit to prospect for iron ore on lands five miles or more from known tonnages of iron ore or ore bearing materials not being operated on a commercial scale, as provided for in section 5 hereof, shall be entitled to a lease in the form set out in Section 7, except that until five years after a railroad has been built within two miles of such demised premises the annual rental when no ore is shipped, shall be \$500 per year, payable quarterly in advance, and at the close of such period of five years the annual rental shall be \$5,000, as provided in said Section 7. If the permit holder shall fully comply

with all terms and conditions therein contained, the state auditor shall return to him or his assigns the amount of the certified check which accompanied his bid. ('21, c. 412, § 6; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For sections 5 and 7, see §§ 6407, 6409, herein.

6409. Form of lease — Rental and royalties—The lease provided for in Section 6 shall be as follows:

"This indenture, made this day 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 dollars to it in hand paid by the part.... of the second part, being the first quarterly 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 purpose of exploring for, mining, taking out and removing the 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 hereinafter 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 thereby 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. The party of the first part further reserves the right to grant leases, permits or licenses to any portion of the surface of the demised premises to any person or corporation under authority of Chapter 405, Laws of 1919, or as such law may be further amended or enlarged without let or hindrance from the part.... of the second part, but such leases, permits or licenses 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 as are hereby granted to the part.... of the iron ore, with the same rights and privileges second part.

The part.... of the second part covenants and agrees with the party of the first part that the part....

of the second part will on or before the 20th day of April, July, October and January during the first year of this lease, pay to the treasurer of said state a rental of \$312.50 for the quarter preceding the first day of the month in which such payment is made, and a quarterly rental thereafter during the entire term this lease remains in force of \$1,250.00; provided, that the total amount of royalty due on iron ore removed and accounted for during said first year as provided for hereafter does not equal or exceed the sum of twelve hundred and fifty dollars (\$1,250.00) during the first year as above provided, and the sum of five thousand dollars per annum thereafter, it being the purpose of this covenant to secure a regular annual income from the demised premises of not less than \$1,250.00 during the first year and \$5,000.00 thereafter in rentals or royalty on iron ore, or both, except only in case of leases for lands five miles or more from known tonnage of iron ore or ore bearing materials not being operated on a commercial scale, in which case the annual payments for the first five years shall be \$500.00, payable quarterly in advance.

And it is further understood and agreed that the schedule of minimum royalties to be paid by the part.... of the second part to the party of the first part shall be as follows:

On a gross ton of crude ore in its natural state before beneficiation of any kind averaging in iron when dried at 212 degrees Fahrenheit, twenty-five per cent (25%) or less, twelve cents. For a ton of ore averaging twenty-six per cent (26%) in iron dried at 212 degrees Fahrenheit, twelve cents (12¢), with a five per cent (5%) increase over twelve cents (12¢), or a royalty of twelve and six-tenths cents (12.6¢) per ton. For a ton of ore averaging twenty-seven per cent (27%) iron dried at 212 degrees Fahrenheit, twelve and six-tenths cents (12.6¢), plus five per cent (5%) increase or a royalty of thirteen and twenty-three hundredths cents (13.23¢); and so on, adding five per cent (5%) to the amount of royalty for a given grade for the next higher per cent, disregarding all thousandths of one cent that do not equal five and counting those that are five thousandths or above as one hundredths of a cent. The part.... of the second part hereby covenant.. and agree.. 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 as hereinbefore provided.

Each ton shall 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, truthful and verified statement of the amount of iron ore removed during the three months for which such payment is made. Such statement shall show the tonnage of the several grades of ore in accordance with the following plan;

Direct shipping ore shall be understood to mean any ore that is forwarded in its natural state without beneficiation of any kind. Each railroad car loaded with such ore shall be sampled in such a manner as to show the true grade of the ore contained. Ten cars when thus sampled shall constitute a "sample" or shipment, except where a smaller number becomes imperative. The samples of ore taken from such "sample"

or shipment shall be mingled and split into two portions, both of which shall be properly marked for identification. One portion shall be delivered to the state auditor or his authorized agent and the other reserved by the part... of the second part. Each sample shall be analyzed by a competent chemist for iron, silica, phosphorus, alumina and manganese at the sole cost and expense of the part... of the second part, and the results certified to the auditor in the state above referred to together with the weight of each carload and "sample."

The direct shipping 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 monthly statements showing the aforesaid grades and weights. Such grades and 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 sample the ore, check the analyses and inspect, review and test the correctness of the methods and books of the part... of the second part in sampling, analyzing, recording and reporting such grades and weights and 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.

For the purpose of determining the grade of ore and royalty on same, all grades and kinds of ore taken from the demised premises shall be sampled in their crude state before being treated or beneficiated in any way. Such samples, when dried at 212 degrees Fahrenheit, shall be analyzed for iron, silica, phosphorus, alumina and manganese. The percentages of iron shall determine the amount of the royalty to be paid, provided that when the manganese content shall equal or exceed four (4) per cent, it shall be paid for separately under agreement as hereinafter provided for by law. It is understood and agreed that should the part... of the second part desire to beneficiate any ore found on the demised premises, the parties shall agree upon a method of sampling and weighing such ore before concentration, 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 as to the methods to be employed in such sampling and weighing only. The royalty on all ore under this lease shall be payable on the weight of the crude ore before beneficiation and the grade of the same when dried at 212 degrees Fahrenheit.

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 covenant... and agree... to furnish the state auditor from time to time with copies of all exploration reports, mine maps, analysis maps and plans of development made and used in the operations on said leased premises. The part... of the second part further covenant... and agree... to provide upon written requests from the state auditor a suitable room in the dry or wash house, or in some other suitable place, with water, light and heat free, to the agents of the state auditor for their use in the work of inspection on said premises, such room to be equal in size and equipment to that furn-

ished for the use of the mining captain or superintendent at such mines. And the part... of the second part further covenant... and agree... 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 made, used or controlled by said part... of the second part, 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; and 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 land and in accordance with the requirements of good mining engineering, 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 such subsequent operations, 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 royalty therefor, by delivering written notice of such intention to terminate 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 quarterly payment, or any payment for royalties or any part of such payments or any tax or portion thereof, 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, but such re-entry shall not work a forfeiture of the rents, royalties or taxes or other sums to be paid at the time of such re-entry.

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." ('21, c. 412, § 7; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 6, see § 6408, herein.

For Laws 1919, c. 405, see § 6328, herein.

No state mining lease is in fact a lease and not a sale of ore in place. (143-457, 172+229, 175+100, and cases there cited).

6410. Execution of lease—The lease provided for in Section 7 shall be signed by the state auditor for and in behalf of the state, with his official seal attached, and shall be signed by the part. . . of the second part in the presence of two witnesses, and such signatures and execution of the same by the part. . . of the second part shall be duly acknowledged. ('21, c. 412, § 8; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 7, see § 6409, herein.

This section is not a statute of frauds, and contracts relating to the assignment of state mining leases, which observe, in their execution, the requirements of contracts for the sale of lands, are valid between the parties (125-81, 145+791).

6411. Disposition of moneys received—All payments under this Act shall be made to the state treasurer on the order of the state auditor, and shall be credited to the permanent fund of the class of land to which the demised premises belong, and in case the land shall not belong to any class of land having a permanent fund, then all payments shall be credited to such fund as the Legislature shall by law direct. ('21, c. 412, § 9; '25, c. 395; '27, c. 389, § 1)

6412. Auditor may take possession of premises, when—The state auditor is hereby authorized and empowered in case the permit holder or lessee under any permit or lease hereinbefore provided for, fails or neglects fully to comply with all the conditions and covenants of such permit or lease, to enter at once upon the premises described in such permit or lease and take possession of the same. ('21, c. 412, § 10; amended '25, c. 395; '27, c. 389, § 1)

6413. Mining of ores other than iron—Should gold, copper, silver, cobalt, coal, graphite, or manganese (4% or over, dried) or any other valuable mineral be discovered on lands leased as heretofore authorized, the terms and conditions on which the same may be mined, shall be agreed upon by the state auditor and the lessee, and in case they are unable to agree, each shall choose a referee. The two persons thus selected shall choose a third. The decision of said board shall be final and binding on the parties in interest. ('21, c. 412, § 11; '25, c. 395; '27, c. 389, § 1)

6414. Permits to prospect for ores other than iron—**Leases—Rents, royalties, etc.**—The state auditor may issue permits to prospect for gold, silver, copper, cobalt, graphite, coal and petroleum and other minerals than iron ore, for such period not to exceed one year and under such regulations as the state auditor may prescribe. At any time prior to the expiration of any such prospecting permit the holder thereof shall have the right to lease the land covered by the permit for the purpose of mining and removing therefrom any minerals which may be discovered therein other than iron ore. The rents, royalties, terms, conditions and covenants of all such leases shall be fixed by the state auditor pursuant to such regulations as he may prescribe, but no lease shall be for a longer term than

twenty-five years, and all such rents, royalties, terms, conditions and covenants shall be fully set forth in each lease thus issued, and the rents and royalties therein provided for shall be credited to the funds as provided in Section 9 above. ('21, c. 412, § 12; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 9, see § 6411, herein.

6415. Record of permits and leases to be recorded by auditor—All permits and leases, with the names and postoffice addresses of all parties in interest, issued by the state auditor under authority of this law, before delivery shall be duly recorded at length by him in his office in the record books to be provided and kept for that purpose, and a certificate of such record showing the date of record, the book and page thereof, shall be endorsed on each such permit or lease. ('21, c. 412, § 13; amended '25, c. 395; '27, c. 389, § 1)

6416. Assignments, etc., affecting permits or leases—**Record of**—All assignments, agreements or contracts affecting any such permit or lease shall be made in writing and signed by both parties thereto, witnessed by two witnesses and properly acknowledged and shall contain the postoffice addresses of all parties having an interest; and when so executed shall be presented to the state auditor for record. The state auditor shall then record such assignment, agreement or contract at length in his office in record books kept and provided for that purpose and a certificate of such record showing the date thereof and the book and page shall be endorsed on the assignment, agreement or contract, which then shall be returned to the party entitled thereto. ('21, c. 412, § 14; amended '25, c. 395; '27, c. 389, § 1)

6417. Approval of instruments by auditor—Fees—All instruments by virtue of which the title to any permit or lease herein provided for, is in any way affected shall receive, as to form and execution, the approval of the state auditor, which approval shall be endorsed thereon and such instrument when so approved shall be duly recorded as provided in Section 14 hereof. For recording any assignment or other instrument affecting the title to any permit or lease, or for furnishing certified copies of the records, the state auditor shall charge a fee of ten cents per folio. All such fees shall be turned into the state treasury. ('21, c. 412, § 15; amended '25, c. 395; '27, c. 389, § 1)

6418. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed. ('21, c. 412, § 16; amended '25, c. 395; '27, c. 389, § 2)

6419. Liability under certain mineral leases cancelled—In all cases where mineral leases have been issued under the provisions of section 5315, General Statutes 1913 [6409], and such leases have been cancelled by the state auditor for non-payment of any annual or quarterly payment provided for in such lease, such cancellation shall terminate all liability thereunder, if no damage has been sustained to the land covered by said lease, or development work performed thereunder. ('19 c. 501 § 1)

The section referred to in this section is G. S. '13, § 5315, which was repealed by Laws 1921, c. 412, § 16 (see supra, § 6418). The corresponding provision in Laws 1921, c. 412, as amended, is § 6409, supra. This section may possibly be superseded by said section 6409.

6420. Payment of lease money by co-owner in case of default—Upon the failure of any one of several co-owners of any lease of mineral land from the State of Minnesota which it may heretofore or may hereafter make, to pay his proportion, represented by his proportionate interest in said lease, of any annual pay-

ment or royalty payment of taxes assessed against the land covered by said lease or the improvements thereon, or the iron ore products thereof, or any personal property at any mine on said land, according to, as required by and when due under the terms of said lease or the laws of this state, any co-owner of said lease, who may have heretofore or who may hereafter pay the same or any part thereof, who was not under contract obligation at the time of making said payment to make it, may after the expiration of the time fixed by said lease or the law for making said payment, give such delinquent co-owner and the other co-owners, if any, personal notice in writing or by publication for at least six successive weeks, once a week, in the newspaper published nearest the said land entitled under the laws of this state to publish legal notices, that he has made said payment, describing the lease and the land covered thereby on account of which it was made, the amount due, when due, and for what due, on account of which said payment was made and the date of making the same, and demand that said delinquent co-owner contribute his said proportionate share of said payment by paying the same, together with six per cent interest thereon from the time of said payment until the time of re-payment, together with the cost of said publication, to him within ninety days after the personal service of such notice upon him, or within ninety days after the completion of said publication, and that if he fails so to do that his said interest in said lease will become the property of and be forfeited to his co-owner or co-owners paying the same. ('15 c. 303 § 1)

6421. Co-owner to share in benefit of original owner—If said delinquent co-owner before the expiration of said time shall refuse or fail to contribute and pay his said proportionate share, together with said interest and cost of publication as and when herein and in said notice provided, his interest in said lease shall thereafter become the property of and belong to said co-owner making said payment, and the other co-owners thereof, if any, who shall within ten days after the expiration of said ninety days, pay to him their share of the amount due him under said notice, represented by their respective interests in said lease, with the same force and effect as to said delinquent's interest in said lease, as if said lease as to said delinquent's interest had been forfeited and cancelled by the state of Minnesota, and a new lease on the same terms and conditions as said old lease had been issued by said state of and for said delinquent's share therein to his said co-owner or co-owners making said payment. Such co-owners so contributing and paying within said ten days shall share in the interest of said co-owner so forfeited, in proportion to their then respective interest in said lease. ('15 c. 303 § 2)

6422. Sufficiency of notice—The affidavit of the party making such personal service and the affidavit of the publisher of said newspaper accompanied by a duplicate original of said notice, together with the affidavit of said co-owner making said payment, that said delinquent has not paid to him the amount due under said notice within the time herein and in said notice specified with the names of the other co-owners, if any, who during said ten days contributed their proportionate share thereof may be filed in the office of the auditor of the state of Minnesota and shall constitute conclusive evidence in all courts and proceedings of the matters therein stated, except as to such as may be proven to be untrue. Said auditor shall receive, file without charge and safely keep the foregoing and all

thereof, which shall be open to the inspection of anyone interested therein. ('15 c. 303 § 3)

6423. Auditor to lease surface of lands for certain purposes—The state auditor may, at public or private vendue and at such prices and upon such terms and conditions as he may prescribe, lease the surface of any unsold state lands for the purpose of stockpiling, storing, handling or depositing thereon any ore, ore material, stripping or waste taken from other state lands which may be under state mineral lease, and removal therefrom any such ore, ore material, stripping or waste taken from such other state land and stocked, stored, handled or deposited thereon; provided, that the rights of the state and of the lessee under the lease herein authorized as to the ownership, lien and right of removal and all other rights in and to the materials placed thereon from the lands under such state mineral lease shall be and remain in all respects the same as though such materials had been stockpiled, stored, handled or deposited on the land covered by such state mineral lease; provided, further, that any such lease shall be made for a term no longer than the then remaining unexpired term of such state mineral lease and shall in any and all events terminate with the termination of such state mineral lease for any cause whatsoever, and any material remaining on such land at the termination of such state mineral lease or at the earlier termination of the lease herein authorized, shall belong to the state of Minnesota; provided, further, that all such leases shall be made subject to leasing the land for mineral purposes under legal provisions. ('19 c. 213 § 1)

6424. To be placed to credit of certain funds—All money received from leases granted under this act shall be credited to the fund to which the leased land belongs and all royalties and proceeds which shall be received by the state for any material stockpiled or stored thereon and later removed shall be credited on the state mineral lease covering the lands from which such ore was originally taken. ('19 c. 213 § 2)

6425. Unlawful to mine under public lake or river—It shall be unlawful for any individual, co-partnership or corporation to mine any mineral below the low water mark of any public lake or river without first having obtained authority from the state. ('15 c. 78 § 1)

6426. Draining of meandered public lake for mineral purposes forbidden—It shall be unlawful for any individual, co-partnership or corporation to drain any meandered public lake for the purpose of mining of minerals without first having received the consent of a board hereby created for such purpose consisting of the governor, attorney general, secretary of state, state treasurer and state auditor, or other officers which may be empowered by law to grant such permission. ('15 c. 78 § 2)

6427. Penalty for violation—Any individual, co-partnership or corporation violating the provisions of this act shall upon conviction thereof be punished by a fine of not exceeding \$10,000.00, or by imprisonment in the state prison for not to exceed five years, or by both such fine and imprisonment at the discretion of the court. ('15 c. 78 § 3)

6428. Contracts for removing ore from under lake beds authorized at minimum royalty of 50 cents per ton—The governor, attorney general and state auditor are hereby empowered to enter into contracts or agreements with persons, co-partnerships or corporations for the mining and disposing of the iron ore situate under any waters of any public lake or river

in the state of Minnesota. The minimum royalty for each gross ton of iron ore disposed of under such contract, shall be not less than fifty cents per ton upon the ore in its natural condition as mined. Such contracts or agreements for the mining, removing and disposing of such iron ore may provide for the drainage of such lake or river, or the diversion of the waters thereof to a new bed or channel. The contracting parties herein provided for on the part of the state of Minnesota, shall have power to institute condemnation proceedings to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations, and such contracts or agreements for mining, removing or disposing of such iron ore may contain a covenant on the part of the second party to return the waters of such lake or river to their former beds as nearly as possible after the ore shall have been removed. ('17 c. 110 § 1)

Powers, etc., conferred by this act ('17, c. 110) transferred to Executive Council. See § 53-3, herein.

6429. Royalty derived to be added to permanent school fund—The principal of all funds arising from the disposal of such iron ore shall forever be preserved inviolate and undiminished and shall be added to the permanent school fund of the state to be invested and re-invested as provided by law for the investment of said permanent school fund, and the interest thereon shall be distributed in the same manner as the income from the present school fund is now, by law, distributed. ('17 c. 110 § 2)

6430. Bids to be received and highest bidder to receive awards—All contracts or agreements for the mining, removing and disposing of iron ore provided for in section 1 of this act shall be sold at public sale to the highest bidder on the basis of the royalty to be paid to the state, after such sale shall have been advertised for three weeks in such a manner and in such legal publications as the above named state officers shall determine, but no bids shall be entertained that shall not equal or exceed the minimum price specified in this act. ('17 c. 110 § 3)

Certain options for mining leases given by any county, legalized, 15 c. 122.

6431. State Auditor may make agreements for weighing ore—Whenever it shall appear that any iron ore or iron bearing material found on state lands leased for mining purposes, shall be capable of being made merchantable by beneficiation, the state auditor is hereby authorized and empowered to enter into agreements with the lessees, assignees or sub-lessees under said mineral contracts or leases for weighing such iron ore or iron bearing material before the same shall be beneficiated, provided, that the state shall be reimbursed by such lessee, assignee or sub-lessee for all costs and expenses connected with such weighing. ('21 c. 148 § 1)

See supra, § 6409, as to weighing of beneficiated ore.

6432. Expense paid by lessee—The lessee, assignee or sublessee shall at his sole cost and expense install and maintain all necessary scales, tracks, buildings, records and supplies necessary or expedient in conducting such weighing and the scales so installed shall conform to the types approved by the State Railroad and Warehouse Commission, through its Bureau of Weights and Measures. ('21 c. 148 § 2)

6433. Not to modify existing contracts—Nothing in this act shall be construed as a modification of the provisions of such mineral contract or lease. The rights and privileges as to weighing herein provided

for are to be deemed as supplemental to the provisions and terms found in such mineral leases or contracts. ('21 c. 148 § 3)

OTHER LANDS

6434. Lands granted by United States—Hereafter whenever any lands granted to the state by the congress of the United States shall be sold by this state, the purchaser shall in the first instance be given a contract or certificate of sale, which instrument shall contain, among other things, the provisions herein set forth. ('11 c. 90 § 1) [5320]

Historical—"An act to amend chapter 299, General Laws of Minnesota for 1905, prescribing terms, limitations and conditions on which lands granted to the state by the congress of the United States shall be sold, as amended by chapter 106, General Laws of 1909, so as to read as follows."

6435. Contract or certificate of sale—Requirements—The state auditor shall insert in every such contract or certificate of sale, a clause providing that the vendee, his heirs, administrators or assigns, shall within seven (7) years from the date of such instrument, perform at least one of the following requirements:

1. Fence at least twenty-five (25) per cent of said tract for pasture and convert such portion into pasture land.
2. Cultivate at least five (5) per cent of said tract, or
3. Build a house and actually reside upon said tract for a period of twelve (12) months.

Provided, however, that the fencing for pasture of twenty-five (25) per cent of any contiguous tract sold such vendee by the state under the provisions of this chapter and the conversion of such portion into pasture land, or the cultivation of at least five per cent of such contiguous tract, or the building of a house and actual residence upon any portion of such contiguous tract for a period of twelve months shall be deemed a sufficient performance of such requirements with reference to the whole of such contiguous tract whether heretofore or hereafter sold by the state. ('11 c. 90 § 2) [5321]

6436. Proof of compliance—Deed—Sales in and after 1905—Within seven (7) years after the date of such contract or certificate of sale, the vendee, his heirs, administrators or assigns, shall furnish to the state auditor, satisfactory proof that at least one of said provisions has been complied with, said proof shall be attested by two members of the school board in the district wherein the land is located. And upon such proof, and the fulfillment of all the conditions of such contract or certificate of sale, a deed shall issue to the purchaser, his heirs or assigns, to the land in such contract or certificate described.

Provided, that the foregoing provisions shall apply to all sales of land made in the year 1905 and subsequent years. ('11 c. 90 § 3) [5322]

6437. Failure to make proof—Reverter—Upon failure to make and furnish the proof mentioned, in the foregoing section, within seven (7) years after the date of such contract or certificate, the state auditor shall cancel said contract or certificate and the land covered thereby shall revert to and become the property of the state, free and clear of any incumbrance or cloud arising out of said transaction or contract or attempted to be contracted by said vendee, and all moneys paid on account of the purchase price, shall be forfeited to the state. ('11 c. 90 § 4) [5323]

6438. Not over 320 acres—Not more than three hundred and twenty (320) acres of such land shall be

6434
Et seq.
29 — 258
33 — 313

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Et seq.
31 — 407

sold or contracted to be sold to any one purchaser. ('11 c. 90 § 5) [5324]

6439. Owners of contiguous tracts—This act shall take effect and be in force from and after its passage, and, provided further, that if the purchaser is already the owner of a contiguous tract of land, the state auditor upon a proper showing by affidavit, and in furtherance of justice, may in his discretion dispense with a strict compliance with the foregoing provisions of this section in respect to sales whether heretofore or hereafter made by the state. ('11 c. 90 § 6) [5325]

6440. Purchasers released from compliance with certain laws—Any and all persons who have heretofore purchased from the state of Minnesota any of the lands granted to the state by the congress of the United States are hereby released from compliance with the provisions of sections 1, 2, 3 and 4 of chapter 299, General Laws of 1905, and of chapter 106, General Laws of 1909, and from the terms, limitations and conditions inserted or implied in their contracts or certificates of sale pursuant to said statutory provisions. ('11 c. 135 § 1) [5326]

Section 3 repeals 1905 c. 299 §§ 1-4 and 1909 c. 106.

1905 c. 299 § 5 is identical with § 6438, above set forth.

6441. Effect of contracts and certificates—Any and all such contracts and certificates of sale shall be and remain of the same force and effect as if not containing, either expressly or by implication, any of the terms, limitations or conditions prescribed by the statutory provisions aforesaid; provided nothing herein contained shall be construed to release such purchasers from fulfillment of any of the other provisions or conditions of said contracts or certificates of sale, or of other statutes applicable thereto. ('11 c. 135 § 2) [5327]

6442. Certain other lands—How sold—Appraisal—All tracts or lots of real property belonging to the state of Minnesota, or that may hereafter accrue to the state, including tracts or lots which have escheated to the state may be disposed of in the following manner, provided, this act shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of congress. The sale or disposition of such real estate shall be under the supervision of the governor, attorney general and state auditor, who may authorize and direct a sale, when, in their judgment, it would be advantageous to do so. They shall appoint three appraisers, who shall appraise the real property to be sold. As compensation for their services the said appraisers shall receive five dollars per day. The sale shall be at public auction and shall be made by the state auditor, or such person or persons as he may direct for that purpose. ('09 c. 452 § 1) [5328]

6443. Notice of sale, etc.—Before any sale shall be made the state auditor shall publish a notice thereof at least once in each week for four successive weeks in a newspaper published in the city or county in which the real property to be sold is situated, and he is also authorized to give such other and additional publicity of such notice as he may deem proper, which notice shall specify the time and place in said county at which such sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately, and no lot shall be sold for less than the price thereof as specified in the report of said appraisers. ('09 c. 452 § 2) [5329]

6444. Terms of payment—The terms of payment for all lots or tracts so sold shall be not less than ten per cent of the purchase price thereof at the time of

sale, and interest on the unpaid balance, as herein stated, to June 1st, of the following year, and the balance of such purchase price at any time within twenty years, at the option of the purchaser, with interest annually in advance, at the rate of not less than five per cent per annum on such unpaid balance, payable to the state treasury on or before June 1st, in each year. ('09 c. 452 § 3) [5330]

6445. Certificate of sale—The state auditor shall make out and deliver to the respective purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold and the price thereof, the consideration paid, and to be paid therefor, the rate of interest and time and terms of payment. Such certificate shall be numbered and made assignable. Such purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the said certificate from the time of such failure will be entirely void, and of no effect, and the said state auditor may take possession of said lot or tract and resell the same, as herein provided. ('09 c. 452 § 4) [5331]

6446. Record of certificates and assignments—Effect—Certificate of purchase issued pursuant to this act or any assignment thereof executed and acknowledged, as provided by law, for the execution and acknowledgment of deeds may be recorded in the office of the register of deeds of any county in the state, in the same manner and in like effect as deeds are therein recorded. Such certificate shall entitle the purchaser thereof, his heirs and assigns to the exclusive possession of the land therein described, provided the terms of said certificate have been in all respects complied with, and the said certificate and the record thereof shall be conclusive evidence of title in such purchaser, his heirs and assigns, for all purposes and against all persons, except the state of Minnesota in case of forfeiture as aforesaid. ('09 c. 452 § 5) [5332]

6447. Reservation of minerals—The state hereby reserves for its own use all the iron, coal, copper and other valuable minerals in or upon all lands which may be sold under the provisions of this act, and the sale certificate and patent herein provided for shall contain a clause reserving all such minerals for the use of the state. ('09 c. 452 § 6) [5333]

6448. Patents—The governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of said state auditor endorsed thereon, certifying that the amount of principal and interest specified therein, all taxes due on said lands have been paid, and that the holder of such certificate is entitled to such patent. ('09 c. 452 § 7) [5334]

6449. Funds, how disposed of—Duty of auditor—All money received from the sale of such lands or lots shall be credited to the general revenue fund of the state, and it shall be the duty of the state auditor to keep the proper and necessary records pertaining to the sale of such lands or lots that have been made, and provide the necessary blanks. ('09 c. 452 § 8) [5335]

6450. Gifts to state for capitol or institutions—Acceptance—Whenever any real property or rights or estates therein may be or may have been granted or conveyed or assigned or turned over as a gift by any person or municipality to the state of Minnesota, to be owned, held, occupied or used by the state in con-

nection with the capitol, or any state institution, or the grounds of the same, or any of them, the governor shall issue in duplicate under the great seal of the state a certificate of acceptance, and shall cause all the conditions of such gift to be performed, and the property so given to be improved, maintained and ornamented in the method and so far as the legislature may appropriate money therefor. ('09 c. 464 § 1) [5336]

6451. Lands obtained by condemnation—Whenever any corporation, municipal or otherwise, shall convey, assign or turn over to the state any rights it may have obtained by condemnation, the use of the land in which such rights were obtained by the state in any of the ways, or for any of the purposes hereinbefore mentioned, shall not be deemed an abandonment of nor work a forfeiture of the rights obtained by condemnation, but shall be considered a use incidental to and within the purposes of such condemnation. ('09 c. 464 § 2) [5337]

6452. Certificate of acceptance—Record—The certificate of acceptance shall be executed in duplicate and one filed in the office of the secretary of state, and the other filed for record in the office of the register of deeds of the county in which the land is situated, and after being recorded, kept with the records of the institution in connection with which the land is used. Upon said certificates of acceptance being so filed the conveyance and transfer of the rights, interests and estates involved shall be deemed complete. ('09 c. 464 § 3) [5338]

STATE PARKS, STATE PUBLIC CAMP GROUNDS AND STATE MONUMENTS.

6453. State properties to be known as such—All parks, public camp grounds and monument sites heretofore created or acquired by or at the expense of the state or which hereafter may be so created or acquired, and all monuments heretofore or hereafter erected by or at the expense of the state, shall be known respectively as state parks, state public camp grounds, state monument sites and state monuments in accordance with the respective legislative or other lawful designation thereof. ('23 c. 430 § 1)

6454. State auditor to have charge of state properties—The state auditor as state land commissioner, (hereinafter referred to as the auditor) hereby is charged with the care, improvement, supervision, control and management of all state parks, state public camp grounds, state monument sites, state monuments and state lands withdrawn from sale as hereinafter provided. ('23 c. 430 § 2)

6455. State treasurer may accept gifts—The state treasurer shall be and he hereby is authorized to receive and accept on behalf of the state any gift, donation, bequest or endowment of moneys or securities which may be made by any person by will or otherwise, to or for the benefit, support, maintenance or improvement of state parks, state public camp grounds, state monument sites or state monuments; provided, however, that no such gift, bequest or endowment shall be so accepted unless or until the governor, the auditor and the state treasurer shall determine that it is to the interest of the state to accept the same and in writing approve of and direct such acceptance. The net proceeds of such gifts, donations, bequests and endowments are hereby appropriated to be expended for the purposes for which they may be so made and accepted; provided, however, that no such gift, donation, bequest or endowment shall be accepted for the purpose of

establishing a new park, public camping ground or monument site without legislative authority. ('23 c. 430 § 3)

6456. State auditor to accept gifts—The auditor shall be and he hereby is authorized to receive and accept on behalf of the state, any gift, donation, bequest, conveyance, devise or endowment of real property or rights, interests or easements therein and of personal property other than moneys or securities which may be made by any person by will, conveyance, deed of gift or otherwise, to or for the benefit, creation, acquisition, support, maintenance or improvement of state parks, state public camp grounds, state monument sites or state monuments; provided, however, that no such gift, donation, bequest, conveyance, devise or endowment of real property or rights, interests or easements therein shall be so accepted unless or until the governor, the auditor and the state treasurer shall determine that it is to the interest of the state to accept the same and in writing approve of and direct such acceptance. Such gifts, donations, bequests, conveyances and devises hereby are devoted to and the net proceeds of such endowments are hereby appropriated to be expended for the purposes for which they may be so made and accepted. ('23 c. 430 § 4)

6457. State auditor may acquire lands in certain cases—Upon recommendation of the state forestry and the state game and fish commissioner, concurred in by him, the auditor from time to time may enter into negotiations on behalf of the state with the owners of tracts or parcels of real property which are especially desirable for immediate acquisition by the state for park, public camp grounds or monument site purposes by reason of exceptional natural beauty, location, great historical interest or otherwise, for the purchase and acquisition thereof or of rights, easements or interests therein, but no such purchase or acquisition shall be consummated without the written approval of the governor, nor beyond the limits of appropriations made and available therefor. The auditor may, however, arrange with such owners for the preservation of such tracts or parcels in their natural condition until the adjournment of the next succeeding session of the legislature, reporting thereto his acts and doings in that connection. ('23 c. 430 § 5)

6458. State to exercise right of eminent domain—Upon written request and direction of the auditor, the state forester and the state game and fish commissioner, approved in writing by the governor, the attorney general is hereby authorized and directed to exercise the power of eminent domain in manner and form prescribed by law in the name of and for and on behalf of the state for the acquisition by the state of such tracts and parcels of real property or rights, interests and easement therein as cannot be secured upon satisfactory terms and as shall be determined, designated and described in such requests, directions and approvals as especially desirable for immediate acquisition by the state for state parks, state public camp grounds or state monument sites by reason of exceptional natural beauty, location, great historical interest or otherwise and as likely otherwise to be shortly devoted to uses substantially interfering with the later acquisition or availability thereof for such public purposes. ('23 c. 430 § 6)

6459. State parks to be for use of public—State parks shall be preserved and maintained for the free use and enjoyment of the general public. No fee shall be charged or collected for the privilege of transient camping therein, nor shall any part thereof be leased or otherwise made available for the erection or main-

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23 — 149
29 — 75
29 — 229
29 — 230
29 — 246
29 — 269
29 — 357

6453Eseq.
31 — 53
31 — 292

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6459
15 — 374
19 — 368
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tenance of private cottages or permanent private camps therein. ('23 c. 430 § 7)

6460. State auditor to promulgate rules—The auditor may adopt and promulgate reasonable rules and regulations not inconsistent with law governing the use and enjoyment of areas of state land reserved from sale as hereinafter provided, state parks, state public camp grounds and state monument sites, which shall have the force and effect of law. A reasonable fee may be fixed, charged and collected by the auditor for the privilege of transient camping in state public camp grounds and the amounts so collected hereby are appropriated to be expended by him in the care, maintenance and improvement of such respective state public camp grounds. ('23 c. 430 § 8)

6461. Employes to have powers of peace officers—All supervisors, guards, custodians, keepers and caretakers of state parks, state public camp grounds and state monument sites shall have and possess the authority and powers of peace officers while in their employment. ('23 c. 430 § 9)

6462. Violation of rules to be misdemeanor—Any person who, within the limits of any state park, state public camp grounds, state monument site, or area of state land reserved from sale as herein provided, shall wilfully cut, injure or destroy any live tree, shrub, timber, evergreen or ornamental plant of any kind, or shall wilfully injure, remove, destroy, deface or mutilate any guide board, guide post, furniture, fixture, improvement, monument, tablet or other property of the state of any kind, or shall wilfully violate or fail to comply with any rule or regulation of the auditor adopted and promulgated in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor. ('23 c. 430 § 10)

6463. State lands bordering on or adjacent to meandered lakes and public waters and timber thereon withdrawn from sale—Reservation for public travel—All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses and the live timber growing or being thereon hereby are withdrawn from sale.

Of all such lands bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high water mark being the water side boundary thereof, and the landslide [Land side] boundary thereof being a line drawn parallel to the ordinary high water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and wherever the conformation of the shore line or conditions require, the auditor shall reserve a wider strip for such purposes. ('23, c. 430; § 11; amended '27, c. 330, § 1)

6464. Auditor to designate certain lands as public camp grounds—The auditor may designate suitable portions of said state lands so withdrawn from sale and not reserved as hereinbefore provided, as permanent state public camp grounds and cause the same to be surveyed and platted into lots of convenient size, and may lease and let such lots for cottage and camp purposes under such terms and conditions as he may prescribe; provided, that no lease shall be made for a longer term than ten years with the privilege of renewal from time to time for additional terms of not to exceed ten years each; and provided further, that all moneys received from leases under this act of state lands so withdrawn from sale shall be credited to the fund to which the proceeds of the land belong. ('23 c. 430 § 12)

6465. Transient camping places—The auditor may designate suitable portions of said state lands so withdrawn from sale and not reserved as hereinbefore provided as state public camp grounds for the use and enjoyment by the public as transient camping places. ('23 c. 430 § 13)

6466. Auditor to make report to legislature—The auditor biennially shall report to the legislature his acts and doings hereunder with recommendations for the improvement or conservation of state parks, state public camp grounds and state monument sites, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests and easements therein held by the state or withdrawn from sale for any of said purposes, with the value thereof. ('23 c. 430 § 14)

6467. Application—The provisions of this act shall not be applicable to Itasca State Park or other state forests. ('23 c. 430 § 15)

6468. 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. (2496) [5339]

6469. 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. (2498) [5340]

6470. 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. (2499) [5341]

6471. 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. (2500) [5342]

Cited (101-197, 112+395.

6472. School houses in state parks—That the state auditor is hereby authorized to allow the construction

and use of school houses in any state park the area of which is not less than 3,000 acres. ('19 c. 368 § 1)

6473. Certain lands added—The West one-half ($W\frac{1}{2}$) of the west one-half ($W\frac{1}{2}$) of section twenty (20), and the west one-half ($W\frac{1}{2}$) of the northwest one-quarter ($NW\frac{1}{4}$) of section twenty-nine (29), all in township one hundred forty-three (143) north of range thirty-five (35) west, situated in Hubbard county, is hereby added to and made a part of Itasca State Park. ('05 c. 277 § 1) [5343]

6474. Forest reserve—Powers of forestry board—Itasca State Park is hereby made a forest reserve, and its management placed under the state forestry board, to be cared for in the same manner as other forest reserves, as provided for in the act establishing said board except as hereinafter provided. The standing appropriations for said park shall be expended under direction of the state forestry board, and said state forestry board is hereby vested with all the powers with reference to said park heretofore exercised by any other board or state officer. ('07 c. 90 § 1) [5344]

Section 5 repeals inconsistent acts, etc. This act supersedes R. L. § 2497.

6475. Duty of board—The state forestry board shall preserve intact the primeval pine forest now growing in Itasca State Park, and shall cut no part thereof except weak, diseased or insect infested trees, or dead and down timber. The net returns from the sales of timber of any description from said park shall be turned into the state treasury. ('07 c. 90 § 2) [5345]

6476. Power of regents of university—Forest demonstration—The board of regents of the state university may, in their discretion, use for their forest demonstrations work in connection with the forestry course in the state university, any suitable tracts of land in Itasca State Park that may be assigned to them for this purpose by the state forestry board, or may undertake forestry work in the said park or elsewhere in conjunction with the state forestry board. ('07 c. 90 § 3) [5346]

6477. Game preserves—Itasca State Park shall be maintained by the state forestry board as a game preserve, and nothing in this act shall be construed as repealing the existing statutes in regard to trespass in Itasca State Park. ('07 c. 90 § 4) [5347]

6478. Authority to accept donations of land—Reservation of right to cut timber—The state forestry board is hereby authorized to accept for the state of Minnesota donations of the hereinafter described land within the limits of the Itasca State Park, and such donors may reserve to themselves the right to cut and remove from the said lands all the white pine, Norway pine, jack pine, spruce, cedar, tamarack and balsam timber eight inches in diameter and over and four feet and six inches from the ground at the time of cutting; and that the donors of the said land may reserve the right to cut and remove the timber growing on said land for a period not exceeding ten years from the date of such donation. ('09 c. 220 § 1) [5348]

6479. Taxes—Driving logs—Selection of groves—All the taxes levied on such timber which the donors may reserve to themselves under this act shall be paid by the state of Minnesota for a period not exceeding ten years and the said donors shall have the right to drive their logs through Itasca lake with two-foot head of water during such period of ten years for the purpose of getting the timber cut on such lands to market. In addition to the right given to the state forestry board under this act, they shall reserve to the state

and it shall be part of the agreement under which such donation is made that the said state of Minnesota by its said forestry board shall have the right to select such groves of timber as it may wish to preserve, to mark such groves and the trees therein with copper nails or white paint at the expense of the donors, and to pay the purchase price for the stumpage selected, which price shall be the same as that awarded the Red River Lumber Company according to size. Provided, that the state forestry board shall have the right to make partial payments for any standing timber which the forestry board may purchase from said donors. ('09 c. 220 § 2) [5349]

6480. Lands described—The lands referred to in section one [6478] of this act are situated in Itasca Park in Becker, Hubbard and Clearwater counties in this state and are described as follows:

Becker County—Lots numbered one (1), two (2) and three (3) and the south half of northeast quarter ($S\frac{1}{2}$, $NE\frac{1}{4}$), the northwest quarter of southwest quarter ($NW\frac{1}{4}$, $SW\frac{1}{4}$), the west half of southeast quarter ($W\frac{1}{2}$, $SE\frac{1}{4}$), and the southeast quarter of southeast quarter ($SE\frac{1}{4}$, $SE\frac{1}{4}$) of section one (1) and lots numbered two (2), three (3), nine (9) and ten (10) of section three (3), all in township one hundred forty-two (142) north of range thirty-six (36) west.

Hubbard County—Lots numbered one (1), two (2), three (3) and four (4) and the southeast quarter ($SE\frac{1}{4}$) of section thirty-one (31), township one hundred forty-three (143) north of range thirty-five (35) west.

Clearwater County—The northwest quarter ($NW\frac{1}{4}$) and south half ($S\frac{1}{2}$) of section nine (9); west half of northwest quarter ($W\frac{1}{2}$, $NW\frac{1}{4}$) and lots numbered five (5), eight (8) and nine (9) of section fifteen (15); west half of northeast quarter ($W\frac{1}{2}$, $NE\frac{1}{4}$), north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$) southeast quarter of northwest quarter ($SE\frac{1}{4}$, $NW\frac{1}{4}$), southeast quarter of southwest quarter ($SE\frac{1}{4}$, $SW\frac{1}{4}$), northwest quarter of southeast quarter ($NW\frac{1}{4}$, $SE\frac{1}{4}$) and the south half of southeast quarter ($S\frac{1}{2}$, $SE\frac{1}{4}$) of section twenty-one (21); lots numbered one (1), two (2) and three (3) and the east half of southwest quarter ($E\frac{1}{2}$, $SW\frac{1}{4}$), southeast quarter of southeast quarter ($SW\frac{1}{4}$, $SE\frac{1}{4}$) of section twenty-three (23); north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$), southwest quarter of northwest quarter ($SW\frac{1}{4}$, $NW\frac{1}{4}$) and southeast quarter ($SE\frac{1}{4}$) of section twenty-five (25); southeast quarter of northeast quarter ($SE\frac{1}{4}$, $NE\frac{1}{4}$), north half of southeast quarter ($N\frac{1}{2}$, $SE\frac{1}{4}$), southeast quarter of southeast quarter ($SE\frac{1}{4}$, $SE\frac{1}{4}$) and west half ($W\frac{1}{2}$) of section twenty-seven (27); lot numbered one (1) of section thirty-three (33) and the north half of northeast quarter ($N\frac{1}{2}$, $NE\frac{1}{4}$), north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$), southwest quarter of northwest quarter ($SW\frac{1}{4}$, $NW\frac{1}{4}$), northeast quarter of southwest quarter ($NE\frac{1}{4}$, $SW\frac{1}{4}$) and northeast quarter of southeast quarter ($NE\frac{1}{4}$, $SE\frac{1}{4}$) of section thirty-five (35), all in township one hundred forty-three (143) north of range thirty-six (36) west, together with such other lands in Itasca Park in addition to those above named as may be donated to the state by the Pine Tree Lumber Company under the provisions of this act. ('09 c. 220 § 4) [5350]

6481. Donors to reserve minerals—The state forestry board is hereby authorized in its contract with any donors of lands specified in the above mentioned act approved April 17, 1909, in addition to the other stipulations in said act, to allow any donor to reserve

the minerals there may be in said lands. ('11 c. 275 § 1) [5351]

The preamble refers by title to 1909 c. 220.

⁶⁴⁸²
33 — 289 6482. Authority to secure certain lands—In addition to the powers now conferred by law upon the state forestry board, said board is hereby authorized to secure for the state of Minnesota, by gift, purchase or condemnation, any lands and the timber thereon in Itasca State Park not now owned by the state of Minnesota. ('13 c. 531 § 1) [5352]

For act authorizing the addition of certain lands to Itasca State Park see '19 c. 306.

6483. Tax levy and certificates—The money for the purchase and condemnation of such lands and the timber thereon shall be obtained by the levy and collection of a state tax of an amount equal to the interest on \$250,000.00 each year for five (5) years and of \$25,000.00 a year and the amount of interest on outstanding and unpaid Itasca park certificates of indebtedness each year after said five (5) years until all such certificates and interest thereon are paid. The state auditor is hereby directed to levy and collect such tax. The proceeds of such tax are hereby appropriated, so far as necessary to do so, to the payment for such lands and the timber thereon, and said certificates of indebtedness with interest, and the incidental expenses hereafter referred to. ('13 c. 531 § 2) [5353]

6484. Certificates of indebtedness—The state forestry board may issue against said taxes to be levied, collected and appropriated pursuant to the preceding section, certificates of indebtedness which shall be known as "Itasca Park certificates of indebtedness." They shall be in the aggregate of not more than \$250,000.00 and shall be issued in denominations of \$500.00 and shall be due in the aggregate of not more than \$25,000.00 a year beginning with 1918 and shall bear interest at not to exceed five (5) per centum per annum, and shall be sold as money is needed for the purchase or condemnation of land and timber thereon for said park as hereinbefore indicated, and the proceeds of such sales shall be used for such purchases or condemnations and interest as aforesaid, and the incidental expenses connected with such gifts, purchases or condemnations and not otherwise. ('13 c. 531 § 3) [5354]

6485. Powers and duties of board—Custodian of lodge, etc.—Superintendent of park—Salary and powers—To extend the authority conferred upon the forestry board by chapter 90 of the General Laws of 1907 [6474-6477] and other provisions applicable thereto in respect to the management of Itasca State Park, said board may appoint a custodian of Douglas lodge and any or all of the cottages and other buildings owned by the state situated in the park (excepting the buildings used for-forest school purposes) and permit him to use the same upon such terms and conditions as shall be mutually agreed upon between them, conditioned, however, that such party shall serve as custodian only during the pleasure of the board; the revenue derived by the state pursuant to the terms of any such agreement shall be paid into the state treasury, credited to the Itasca State Park support fund and used in maintaining and improving the park. Said lodge and all cottages shall as heretofore be used solely for the accommodation of the public visiting the park. The forestry board may prescribe rules and regulations for the management of the lodge and rates to be charged by such manager for the accommodation of the public. The board may appoint any competent person superintendent of the park, who shall serve during the pleasure of the board; locate his place of

residence and define his duties. His compensation as such superintendent shall be fifty (\$50.00) dollars per month, and it shall be his duty to give personal attention to the preservation of the park; prevent and put out fires; protect the game and fish therein, and perform such other duties as shall be prescribed by the state forestry board. The powers of a deputy game warden are hereby vested in him. He may act as district forest ranger or other forest officer and receive such compensation for such services as may be determined by the board of officers appointing him, not, however, in excess of fifty (\$50.00) dollars per month in addition to his said salary as superintendent. The said board is also authorized and directed to take necessary steps to protect all game and fish in the park, and is hereby given general supervision and control of the subject. ('13 c. 559 § 1) [5355]

6486. Certain improvements—The forestry board is hereby authorized to enlarge the dining room of Douglas lodge by the construction of a kitchen; the same to be built of logs as near as may be in conformity with the general appearance of the lodge. To make such improvement the sum of two hundred and fifty (\$250.00) dollars is hereby appropriated out of any money now in the state treasury not otherwise appropriated. ('13 c. 559 § 2) [5356]

6487. Leasing of Douglas lodge, Itasca Park, authorized—The state forestry board is hereby authorized to lease Douglas lodge and the adjacent cottages and buildings situated in Itasca State Park for a term not exceeding ten years, upon condition that the lessee shall, during the term of the lease, keep all said buildings in good condition and repair, operate the same for a period of at least four and one-half months during the summer of each year as a first-class orderly hotel and lunch room, pay the state as rental therefor not less than twenty-five per cent of the net profits arising in connection therewith, or a sum fixed by the forestry board, and surrender the premises to the state at the expiration of said rental period. The foregoing conditions shall be included with the terms of the lease, and, upon thirty days' notice, said lease may be terminated for breach of any of said conditions. ('19 c. 190 § 1)

§ 2 repeals all inconsistent acts and parts of acts.

6488. 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 into effect, the governor of this state is authorized to confer and co-operate with the governor of Wisconsin, either personally

cr by joint commission, and such conference and cooperation 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. (2501) [5357]

See 1909 c. 60.

6489. 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. (2502) [5358]

6490. 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. (2503) [5359]

6491. Minneopa State Park—That the northeast quarter of the northeast quarter of section twenty, township one hundred and eight, range twenty-seven in the county of Blue Earth and state of Minnesota, and the north fourteen acres of the southeast quarter of the northeast quarter of said section twenty, township one hundred and eight, range twenty-seven, or so much thereof as the state of Minnesota is now or (may) hereafter become seized, shall be and hereby is set apart and perpetually used as a public park. ('05 c. 297 § 1) [5360]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6492. Certain lands added—That the boundaries of the Minneopa State Park as established and created by chapter two hundred and ninety-seven of the General Laws of the state of Minnesota for 1905 [5360, 5362-5364], be and the same are hereby enlarged by adding to said park the following territory, to-wit: The north fourteen acres of the southwest quarter of the northwest quarter and the northwest quarter of the northwest quarter, all in section twenty-one in township one hundred and eight, of range twenty-seven, except a tract five hundred and forty-five feet square in the northwest corner thereof known and designated as "Minneopa Cemetery," according to the plat of said cemetery on file and of record in the office of the register of deeds of said Blue Earth county, and the said territory shall be, and hereby is set apart perpetually as a public park and is made a part of said Minneopa State Park. ('09 c. 409 § 1) [5361]

Other sections authorize the attorney general to procure the additional lands, etc.

6493. Increased acreage for Minneopa State Park—That the boundaries of Minneopa State Park as established and created by chapter two hundred ninety-seven (297) of the General Laws of the State of Minnesota for 1905, and as enlarged by chapter four hundred and nine (409) of the General Laws of the State of Minnesota for 1909, be and the same are hereby enlarged by adding to said park the following land situate in Blue Earth county, and State of Minnesota, to-wit: All the south twenty-six (26) acres of the southeast quarter of the northeast quarter (SE¼ of NE¼) of section twenty (20) in township one hundred and

eight (108) north of range twenty-seven (27) west, which lies west of the public highway now located on said twenty-six (26) acre tract, containing about eleven and one-half acres, and the said land shall be and the same hereby is set apart perpetually as a public park and is made a part of said Minneopa State Park. ('17 c. 157 § 1)

Explanatory note—For Laws 1905, c. 297, see §§ 6491, 6494 to 6496, herein.

For Laws 1909, c. 409, see § 6492, herein.

6494. Name and dedication—The name of said park shall be the Minneopa State Park, and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota under the proper restrictions herein provided, or which may be hereafter provided by law. ('05 c. 297 § 2) [5362]

6495. Care and supervision—The general care and supervision of the Minneopa State Park, until otherwise provided for, shall be vested in the state auditor, acting as state land commissioner. ('05 c. 297 § 3) [5363]

6496. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Blue Earth county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('05 c. 297 § 5) [5364]

6497. Alexander Ramsey State Park—That the northwest quarter of the southeast quarter and the south half of the northeast quarter of the southeast quarter of section thirty-six (36), in township one hundred thirteen (113), north of range thirty-six (36), in the county of Redwood and state of Minnesota, is now or (may) hereafter become seized, shall be and hereby is set apart and perpetually used as a public park. ('11 c. 259 § 1) [5365]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6498. Name and dedication—The name of said park shall be "the Alexander Ramsey State Park," and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota under the restrictions herein provided or which may hereafter be provided by law. ('11 c. 259 § 2) [5366]

6499. Care and supervision—The general care and supervision of the Alexander Ramsey State Park, until otherwise provided for, shall be vested in the state auditor acting as state land commissioner. ('11 c. 259 § 3) [5367]

6500. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Redwood county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('11 c. 259 § 5) [5368]

6501. Fort Ridgely State Park—That the west half of the northeast quarter of section six, township one hundred eleven, north, range thirty-two, west, in the county of Nicollet and state of Minnesota, except a tract of land described as follows: Beginning at the

southeast corner of the northwest quarter of the northeast quarter of said section six, township one hundred eleven, north, range thirty-two west, Nicollet county, Minnesota, thence south six and fifty one-hundredths (6.50) chains; thence north seventy-nine degrees and thirty minutes (79° 30') west, one and twenty-five hundredths (1.25) chains; thence north eight (8) chains; thence south seventy-nine degrees and thirty minutes (79° 30') one and twenty hundredths (1.20) chains; thence south one and fifty-one hundredths (1.50) chains to place of beginning, containing one acre of land.

Also the east half of the northeast quarter of section six, township one hundred eleven, north, range thirty-two, west, in county of Nicollet and state of Minnesota, except a tract of land therein known and designated as the Fort Ridgely Cemetery Association Cemetery, according to the plat of said cemetery on file and of record in the office of the register of deeds in and for Nicollet county, Minnesota, or so much thereof as the state of Minnesota is now or may hereafter become seized, shall be and hereby is set apart perpetually as a public park. ('11 c. 355 § 1) [5369]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

Laws 1925, c. 138, reads as follows: "Section 1. That the governor and the state auditor, on behalf of and in the name of the State of Minnesota be and they hereby are authorized and directed to convey to the Fort Ridgely Cemetery Association, a corporation, that certain tract or parcel of land constituting a part of the Fort Ridgely State Park, situate in the SE¼ of NE¼ of section 6, township 111, North, Range 32 West of the 5th P. M. in the county of Nicollet, and described as follows, to-wit:

Commencing at a point on the east line of the cemetery of the Fort Ridgely Cemetery Association, known as the Fort Ridgely Cemetery (hereinafter called the cemetery) which point is 56 feet north of the southeast corner of said cemetery and is also 520 feet north and 308.5 feet east of the southwest corner of said SE¼ of NE¼ of said section 6; thence east 31 feet to a point marked on the ground by an iron monument; thence north 1° 42' West 180 feet to a point marked on the ground by an iron monument; thence North 50° 11' West 100.5 feet to a point on the east line of said cemetery, as shown on the recorded plat thereof and marked on the ground by an iron monument; thence south along the east line of said cemetery 244 feet to the point of commencement; containing .38 acre: in exchange for a good and sufficient deed conveying to the State of Minnesota, free from encumbrance, a good and marketable title to the following described tract or parcel of land situate in the SE¼ of NE¼ of section 6, township 111 north, range 32 west, of the 5th P. M. in the county of Nicollet, to-wit:

The south 56 feet taken by parallel lines of "Fort Ridgely Cemetery," according to the plat thereof on file and of record in the office of the register of deeds of the county of Nicollet, said tract or parcel being otherwise described as follows, to-wit:

Commencing at the southwest corner of the cemetery of the Fort Ridgely Cemetery Association, which point is 464 feet north and 11.5 feet east of the southwest corner of the SE¼ of the NE¼ of said section 6; thence east 297 feet on the south line of the cemetery and to the southeast corner thereof; thence north on the east line of said cemetery 56 feet to a point; thence west and parallel with first course 297 feet to a point on the west line of said cemetery; thence south on the west line of said cemetery 56 feet to point of commencement, containing .38 of an acre; each of said points so referred to being marked on the ground by an iron monument; said tract or parcel when so conveyed to become and be a part of the Fort Ridgely State Park.

"Sec. 2. That the governor and the state auditor be and they hereby are authorized and directed to execute and deliver in the name of the State of Minnesota to the Fort Ridgely Cemetery Association, and the Fort Ridgely Cemetery Association be and it hereby is, by its proper officers, authorized to execute and deliver to the State of Minnesota such deeds of conveyance as may be necessary or proper to carry out the terms of the exchange of properties as herein provided."

6502. Name and dedication—The name of said park shall be Fort Ridgely State Park and the same is by

this act dedicated to the perpetual use of the people of the state of Minnesota, under the proper restrictions herein provided or which may hereafter be provided by law. ('11 c. 355 § 2) [5370]

6503. Care and supervision—The general care, improvement and supervision of the Fort Ridgely State Park, until otherwise provided for, shall be vested in the state auditor, acting as state land commissioner. ('11 c. 355 § 3) [5371]

6504. Trespasses—Any person who shall wilfully cut, destroy or mutilate or cause to be cut, destroyed or mutilated, any tree, shrub, timber, evergreen, or ornamental plant of any kind in said park, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars for each offense or be imprisoned in the county jail of Nicollet county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('11 c. 355 § 5) [5372]

6505. Horace Austin State Park—That the following described premises situated in the county of Mower and state of Minnesota, shall be and hereby are set apart to be used perpetually as a public park, to-wit: All that part of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west; north of a line running east and west 182 feet north of the north boundary of Water street in the city of Austin, Minnesota, as per the recorded plat thereof, except that portion east of the extension of the west line of lot eight (8), block thirty-three (33) in the original village of Austin, Minnesota; also except a piece of land described as follows: Commencing at the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, running thence north on a continuation of the west line of said lot twenty-five (25) above described 260 feet, thence southeasterly to a point fifty (50) feet north of the northeast corner of lot nineteen (19) of said block thirty-three (33), thence south fifty (50) feet to the north line of block thirty-three of the original village of Austin, Minnesota, thence west along the north line of block thirty-three (33) to the place of beginning. Also all that portion of the northwest quarter (NW¼) of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of a line drawn from the southeast corner of lot one (1), block fourteen (14), Morgan's Addition to Austin, Minnesota, to a point 260 feet north of the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, and east of the easterly line of block fourteen (14), Morgan's Addition to Austin, Minnesota, except a piece of land 132 feet wide east of and adjoining lots seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16) of block fourteen (14) of Morgan's Addition to Austin, Minnesota, as per the recorded plat thereof. Also all of the south half (S½) of the southeast quarter (SE¼) of section thirty-four (34), township one hundred three (103) north of range eighteen (18) west, south of the main channel of the Cedar river as it flows southwesterly, except the easterly 200 feet thereof. Also all that part of the northeast quarter (NE¼) of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of the main channel of the

Cedar river, except the easterly 200 feet thereof. ('13 c. 361 § 1) [5373]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6506. Name and dedication—The name of said park shall be "the Horace Austin State Park," and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota, under the restrictions herein provided or which may hereafter be provided by law. ('13 c. 361 § 2) [5374]

6507. Care and supervision—The general care and supervision of the Horace Austin State Park, until otherwise provided for, shall be vested in the state auditor acting as state land commissioner. ('13 c. 361 § 3) [5375]

6508. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Mower county, Minnesota, for not less than ten days or more than ninety days for each and every offense. ('13 c. 361 § 5) [5376]

6508-1. Pipestone State Park—Established—That so much of Section one (1), in Township one hundred six (106), Range forty-six (46), in the County of Pipestone and State of Minnesota, as the State of Minnesota is now or may hereafter become seized or possessed of by grant or conveyance from the United States of America, shall be and is hereby set apart to be perpetually used as a public park. ('25, c. 107, § 1)

6508-2. Same—Name—Dedication to use of public—The name of said park shall be The Pipestone State Park and the same is by this act dedicated to the perpetual use of the people of the State of Minnesota, under the proper restrictions hereinafter provided, or which may be hereafter provided by law. ('25, c. 107, § 2)

6508-3. Same—Care, etc., vested in auditor—The general care, improvement and supervision of the Pipestone State Park, until otherwise provided, shall be vested in the State Auditor, acting as State Park Commissioner. ('25, c. 107, § 3)

STATE FORESTS.

Auxiliary forests, see §§ 4031-101 to 4031-113, herein.

6509. Forestry board given right to eliminate land from state forests and dispose of same for agricultural purposes—When any tract or tracts of land that have been included in areas set apart as state forests are found to be better adapted for the production of farm crops than for forestry, the state forester shall recommend to the forestry board that the same be eliminated from the state forests and, with the approval of the board, such tract or tracts shall be sold as other state lands are sold. Provided, however, that the state lands in the following described townships or parts of townships are hereby eliminated from the Minnesota state forests: Township 62 north in range 12 west, section 36 of township 63 north in range 12 west, the south one-half of township 61 north in ranges 2, 3 and 4 west, township 61 north in range 1 west, the south one-third of township 62 north in range 1 west, townships 61 and 62 north in range 1, 2, 3 and 4 east, the south one-half of township 63 north in range 3 east,

and the south one-third of township 63 north in range 4 east; and provided further, that when any of the state lands in the above described townships or parts of townships, or any other state lands outside the boundaries of any state forests heretofore established, are found by the state auditor to be better adapted for the production of timber than for agriculture, the auditor is hereby authorized to certify such fact with regard to each tract of land to the forestry board, whereupon the lands so certified shall become a part of the state forests, and be administered and used as are other state forests. ('19 c. 315 § 1)

See note to § 6512, infra.

6510. Term "forest reserve" changed to "state forest"—The term "forest reserve," as now used and contained in the laws of the state of Minnesota shall be and the same is hereby changed to read "state forest." ('13 c. 86 § 1) [5377]

6511. 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. (2504) [5378]

For act establishing certain forests, See '17 c. 448.

6512. 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. (2509) [5379]

R. L. §§ 2505-2508, 2510, 2515, relating to the state forestry board, are expressly repealed.

This section was from sections 7, 11 of Laws 1899, c. 214, and was included in R. L. '05, as section 2509 thereof. Sections 2, 3, 4, 5, 6, part of 7, 10 and 11 of Laws 1899, c. 214, included in R. L. '05 as §§ 2505, 2506, 2507, 2508, 2510 and 2515, were repealed by Laws 1911, c. 125, § 28 (G. S. '13, § 3810; G. S. '23, § 4031). The board mentioned in this section was the state forestry board created by section 2 of said Laws 1899, c. 214 (R. L. '05, § 2505). Laws 1911, c. 125, § 1 (G. S. '13, § 3783; G. S. '23, § 4001) also created a state forestry board, which section was superseded by Laws 1925, c. 407, § 3, supra, § 4031-3. The state forestry board was abolished by Laws 1925, c. 426, Art XVIII, § 2, supra, § 53-45. See note to § 4031-2, supra.

6513. 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. (2511) [5380]

See note to § 6512, supra

6514. 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

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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. (2512) [5381]

See note to § 6512, supra.

6515. Tax title lands, how set apart—All lands not included in the corporate limits of any city or village, or any platted townsite, 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 general, 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. (2513) [5382]

Explanatory note—Laws 1881, c. 135 was repealed by R. L. '05, § 5533 (§ 10967 herein). Laws 1893, c. 150 was repealed by R. L. '05, § 5539 (§ 10969 herein). Laws 1899, c. 322 was repealed by R. L. '05, § 5543 (§ 10977 herein).

See, 1909 c. 87.

6516. 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. (2514) [5383]

6517. Animals and birds in forest reserves, parks, etc.—No person shall kill, or pursue with intent to kill, take, snare, or have in possession, by any means upon any Minnesota state forest reserve lands or parks, or upon any lands that may be designated by the state game and fish commission as game propagating and breeding grounds, any wild animals or birds protected at any time by law. The killing or having in possession of each of such protected animal or bird shall constitute a separate offense.

Provided, that this act shall not prohibit the killing

or destroying of wolves or other noxious animals by or under the supervision of the state game and fish commission. ('07 c. 45 § 1, amended '09 c. 171; '13 c. 95 § 1) [5384]

1907 c. 45 § 1 was also amended by 1909 c. 320.

6518. Penalty—Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days or both. ('07 c. 45 § 2) [5385]

6519. Water powers owned or controlled by state withdrawn from sale—All water powers having a possible average development of one hundred horse power or more, owned by or subject to the control of the state of Minnesota, and all lands so owned, controlled or held in trust by the state of Minnesota lying within one mile of such water powers are hereby withdrawn from sale and held for the purpose of the improvement and utilization of the same for the purpose of having paper manufactured by plants built at and using the power of such water powers. ('17 c. 360 § 1)

6520. Lands suitable for re-forestation withdrawn from sale—All the lands owned, controlled or held in trust by the state of Minnesota, which lands would be overflowed by the complete and full development of the water powers hereinbefore referred to are hereby reserved and withdrawn from sale in order that they may be overflowed by the improvement of the water powers within whose basin of overflow they lie. All lands unfit for agricultural and suitable for re-forestation purposes are hereby withdrawn from sale. The state auditor is hereby requested and directed to ascertain all the water powers and lands hereinbefore referred to with all due speed and to withdraw from sales all such lands and to report such withdrawals, including in such report the description of the land, the present character and the growth thereon and the estimated value of the land and also of the timber, if any, now growing thereon. Also the quantity and character of the timber suitable for use in the manufacture of paper, growing on said land and the most accessible method of transportation of said timber, of use in the manufacture of paper, to the nearest reserved water power, or any water power which in the opinion of the state auditor can advantageously be procured by the state, by condemnation or purchased for the purposes provided in this act. ('17 c. 360 § 2)

6521. Investigation ordered of pulpwood or growing same—The state auditor shall make an investigation of the possibility of the state securing by purchase or condemnation water powers in the vicinity of state lands, wherein pulpwood is now growing or upon which it may be profitably grown in the future. For such purpose it shall be proper for him to call upon the state drainage engineer for assistance. ('17 c. 360 § 3)

6522. Same—The state board of control is hereby directed to investigate the advisability and feasibility of having the inmates of the state reformatory engaged in the manufacture of pulpwood in a pulp mill to be operated by the state. The state auditor shall make a full and complete report to the next session of the legislature of all suitable water powers that may be utilized in the operation of a state owned pulp and paper mill.

The state forester shall make an estimate of how many cords of pulpwood per year can be grown upon state owned lands, unfit for agricultural purposes, and

which in his opinion can wisely be utilized in the product of pulpwood and he shall make report thereof to the next legislature. ('17 c. 360 § 4)

6522-1. State lands within Minnesota National Forest constituted state forests—All lands now owned by the State of Minnesota and situated within the boundaries of the Minnesota National Forest, established within this state by act of Congress of the United States, shall hereafter constitute and be state forests, and shall be governed, operated, managed and controlled in the same manner as other state forests.

The state authorities may co-operate with the Federal authorities in respect of the government, operation, management and control of such state forests along with such national forests to any extent and in any manner not inconsistent with the laws of this state. ('27, c. 246, § 1, effective July 1, 1927 by § 2)

RECLAMATION BOARD

6523. How appointed—To select from swamp, stump or cut-over lands—The governor is hereby authorized, empowered and instructed to appoint a reclamation board of three members to serve without payment for service, whose duty it shall be to select from swamp, stump or cut-over lands belonging to the state of Minnesota ten separate forty-acre government sub-divisions thereof to be appraised, improved and sold as hereinafter provided. ('11 c. 367 § 1) [5386]

Section 6 made an appropriation.

6524. Appraisal—Duties and powers of board—Such selection when made by such board shall be certified to the state auditor and such auditor shall thereupon forthwith proceed to cause the said selections of state land to be appraised in the manner provided by law. After such appraisal the said board shall cause one-half of each tract so selected to be cleared of trees, brush or stumps or otherwise improved and prepared for cultivation as shall be deemed advisable by such board, and for such purpose the said board is authorized and empowered to enter into such contracts or agreements as are necessary in carrying into effect the provisions of this act. ('11 c. 367 § 2) [5387]

6525. Report—Duty of auditor—Immediately after the clearing and preparation of each such tract the said board shall make detailed report thereof and of the cost of clearing and improving the same, showing the nature and extent of such improvement, and shall file such report in the office of the state auditor. It shall thereupon be the duty of the state auditor as early as may be, to make special public sale of such tract or tracts so reported upon in the manner and upon like notice as is required by law, and like certificate or certificates shall be issued and delivered as in other cases of sale of state lands of like character. ('11 c. 367 § 3) [5388]

6526. Lands, how sold, etc.—No such tract of land shall be sold for less than its appraised value, ascertained as herein provided, plus the cost of the improvement of such tract as certified by such board. The terms of such sale, rate of interest on the purchase price, and other details of such sale or the disposition of the proceeds shall be as is provided by law in case of sale of other state lands of like character, and the proceeds of such sale and the interest thereon as the same is paid, shall go to and be credited respectively to the fund or funds to which the purchase price of such lands or to which the interest thereon would be credited under existing law if such sale were

made without such improvement. ('11 c. 367 § 4) [5389]

6527. Expenses, how paid, etc.—Payment for the clearing or improvement of the said lands and of all other costs and expenses incurred in carrying this act into effect shall be made upon certificate of such reclamation board filed with the state auditor. Actual traveling and other expenses shall be allowed to the members of said board in performance of their duties hereunder. ('11 c. 367 § 5) [5390]

UNITED STATES LANDS

6528. 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. (2516) [5391]

6529. 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. (2517) [5392]

6530. 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. (2518) [5393]

6531. 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 offense, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action. (2519) [5394]

6532. Minnesota state land commission created—That a commission to be known as the Minnesota State Land Commission is hereby created, to consist of the governor, attorney general and state auditor. The governor shall be ex-officio chairman, the state auditor shall be ex-officio secretary and shall report to the legislature the findings and conclusions of said commission, as hereinafter directed. ('17 c. 324 § 1)

Explanatory note—Powers, etc., of Minnesota State Land Commission transferred to Executive Council. See § 52-3, herein.

6533. To consider and propose terms of settlement of claims—This commission shall have power to consider and propose terms of settlement of all claims to the legislature of all differences or controversies that

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now exist or may hereafter arise between the state of Minnesota and the United States over lands granted to the state of Minnesota by the United States under any act of congress. It may consider and propose terms of settlement of such claims, differences or controversies separately or in toto. To the end that such settlement or settlements may be carried out and completed, said commission is hereby authorized to accept patents of lands issued by the United States and to reconvey to the United States any state lands which it may by unanimous vote determine should be so reconveyed in order to carry out the provisions of this act, whenever approved by the state legislature. ('17 c. 324 § 2)

6534. Filing and conclusions to be referred to the legislature—This commission shall refer its findings and conclusions to the legislature for confirmation and no adjustment or settlement of any claim by the commission shall be final until ratified by the legislature. Provided, however, that the commission have authority to make final settlement and adjustment of individual claims of settlers or Indian allottees, where the land

in question does not exceed 160 acres in area. ('17 c. 324 § 3)

6535. Auditor to report status of all claims against the United States—The state auditor is hereby directed to report to said commission the status of all claims of the state against the United States for lands patented to the state by the United States under any acts or grants relating to lands; and the status of all claims of the United States against the state for lands alleged to have been wrongfully patented or conveyed to the state by the United States. ('17 c. 324 § 4)

6536. Auditor directed to expend money for clerk hire, traveling, hotel bills, etc.—The state auditor is hereby directed to expend from any fund or funds appropriated for the maintenance of any department of the state auditor's office such sums as may be necessary for clerk hire, expenditure of travel, hotel bills or otherwise as may be necessary to carry out the provisions of this act. Such expenditures shall be audited by the state auditor and approved by the commission, and for such purpose a per diem expenditure may be audited and approved. ('17 c. 324 § 5)

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.



Edited by
William H. Mason
Assisted by
The Publisher's Editorial Staff

MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940

mal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as adult or cub, as the case may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any grey or red fox he could have killed. All animals produced at any one time shall be included in one statement.

The clerk shall examine each carcass produced in the presence of the witnesses, and shall make such further investigation as may be necessary to verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant and any other persons having knowledge of the facts, and may attach a statement of such investigation and examination to the statement of the claim. The toes of both front feet of the animal shall then be removed in the presence of the clerk and the two witnesses.

The claimant may then remove the hide, including the scalp and ears, and shall then bury, destroy or otherwise properly dispose of the remainder of the carcass. (Act Apr. 24, 1931, c. 309, §2; Apr. 14, 1939, c. 258, §2.)

6260-3. Town clerk to make certificate.—The town clerk if satisfied that the statements of the claimant are true, that the requirements of the law have been complied with and that the claimant is entitled to the bounty claimed, shall make a certificate in duplicate so stating, and specifying that the requirements of the preceding section have been complied with. Both duplicates of the certificate shall be attested by the two witnesses and one shall be attached to each duplicate of the statement of the claim. All animals produced at any one time shall be included in one certificate. Both duplicates of the certificate and statement shall be delivered to the claimant, who shall pay a fee of thirty-five cents therefor. The clerk shall keep a record of all certificates issued by him, showing the date of issuance of each certificate, name of claimant, number and kind of animals

killed, and date and place of the killing thereof. (Act Apr. 24, 1931, c. 309, §3; Apr. 14, 1939, c. 258, §3.)

6260-4. Certificate to be presented to county auditor.—The claimant shall produce both duplicates of the statement and certificate, together with the hide of each animal described therein, with scalp and ears intact, to the county auditor. The auditor shall examine the same, and if he finds that the statement and certificate are in proper form, and if he is satisfied that the hides produced are those of the animals described in the statement and certificate, that the requirements of the law have been complied with and that the claimant is entitled to the bounty claimed, he shall punch a three-eighths inch hole in each ear of each hide presented, and shall issue to the claimant a warrant upon the county treasurer for the sum due.

The county auditor shall keep a record of all claims for such rewards allowed and paid by him, showing the same items as hereinbefore specified for the records of the town clerk, also the numbers, dates, and amounts of all warrants issued in payment of such claims, specifying whether for state or county rewards. (Act Apr. 24, 1931, c. 309, §4; Apr. 14, 1939, c. 258, §4.)

6260-5. Penalty for fraudulent claim.—Every person who shall fraudulently claim or obtain any bounty for the killing of a grey or red fox, or issue any fraudulent or unauthorized certificate or warrant therefor, or claim reward upon a grey or red fox which he has in any way protected, or upon any tame or captive grey or red fox, or upon the offspring of any tame or captive grey or red fox, shall be guilty of a gross misdemeanor, the punishment for which shall be a fine of not less than \$100.00 nor more than \$500.00, or imprisonment in the county jail for not less than 60 days nor more than six months, or both such fine and imprisonment; provided, that the provisions of this section shall not be deemed to supersede or to exclude the operation of any other penal law which may be applicable. (Act Apr. 24, 1931, c. 309, §5; Apr. 14, 1939, c. 258, §5.)

CHAPTER 40

Public Lands

Laws 1931, c. 186, ante, §§53-23a to 53-231, creates a new department of conservation, to which is transferred the powers of the state auditor and commissioner of the state land office with respect to the public lands.

SALES BY AUDITOR [DEPARTMENT OF CONSERVATION]

6261. School lands—Price.

State cannot be estopped to claim a judicial cancellation of certificates where timber-bearing school land was sold as agricultural land without separate sale of timber, or the collection in cash of the value thereof. *State v. Hamre-Hogenson Holding Co.*, 183M318, 236NW456. See *Dun. Dig.* 3211.

In condemnation proceedings by state to acquire lands to be transferred to federal government, minimum price for which state trust fund lands may be taken is \$5 per acre, and this includes state swamp lands. *Op. Atty. Gen.* (700d-7), Jan. 20, 1938.

6262. University lands—Minimum price.

Legal title to University permanent trust fund land is vested in state subject to trust imposed thereon for use and benefit of University to be appropriated and applied as legislature may prescribe for use and support of the University, and in absence of legislation to that effect, department of conservation is without authority to transfer administration, sale, lease, demise, control or management of University trust fund lands to Board of Regents of the University. *Op. Atty. Gen.* (618c-2), Dec. 13, 1938.

6264. Swamp lands—Minimum price.

Sale of certain swamp lands in Koochiching county authorized. *Laws* 1939, c. 279.

6267. Terms of payment—Interest.

Amendment of §6293 and 6294 by *Laws* 1937, Ex. Sess., c. 39, had the effect of repealing §6294, and rate of interest to be charged from May 31, 1937, on payments due on school land is 4%. *Op. Atty. Gen.* (700a-1), Jan. 7, 1938.

A 15% payment on improved land complies with law. *Op. Atty. Gen.* (700d-28), Feb. 17, 1938.

6269. Sales by subdivisions.

Sale of trust fund lands may be in areas as large as one quarter section. *Op. Atty. Gen.* (700d-28), Feb. 17, 1938.

6277. Appraisal of school or other state lands—appointment of appraisers—appraisals—sales—homesteaders—improvements—contests.—Whenever in the opinion of the Commissioner of Conservation of the State of Minnesota it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall appoint one appraiser, who shall be one of the regularly employed state appraisers, and notify the Governor, who shall appoint one appraiser. Such appointment shall be made within 30 days after such notice. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before any person qualified to administer oaths, 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

school or other state lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report made of such appraisal, said appraisers after taking oath of office shall proceed to view and appraise such lands and the improvements thereon and make a report thereof to the Commissioner of Conservation as he may direct. The valuation of such lands and the timber shall each be made and stated separately in the appraisal, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than five (\$5.00) dollars per acre. The Commissioner of Conservation shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house in the county in which the sale is to take place at least 30 days in advance of such sale, in addition to the regular notice of sale provided by law. At said sale the Commissioner of Conservation shall sell such lands as he considers for the public interest. Where land mainly valuable for agricultural purposes, as shown by the appraisal and other reports in the office of the Commissioner of Conservation contains only small quantities of pine, tamarack, and other timber the Commissioner of Conservation may in his discretion either sell the timber separately in the manner provided by law for state timber sales, or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the 15 per cent first payment required on the land. It shall be the duty of the appraisers to report to the Commissioner of Conservation such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or improved shall thereafter be re-appraised before being offered for sale. Provided, that if the improvements upon said lands were made by one who in the opinion of the Commissioner of Conservation settled upon said land in good faith believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to the state, or if the improvements upon said land were made by a lessee thereof, or if such improvements were made by one who in the opinion of the Commissioner of Conservation did so in good faith, believing he had a legal right so to do, then the value of such improvements shall be appraised separately, and if at the sale of such land the settler or the lessee of the state who made the improvements shall be the purchaser, he shall not be required to pay for such improvements; but if a person other than such bona fide settler or lessee of the state purchase said land and the improvements at such sale, said purchaser shall pay to the state within 30 days the full amount for which improvements are appraised and the amount so received by the state for such improvements shall be paid over to such settler or lessee of the state, his heirs or assigns by warrant drawn by the state auditor upon the state treasury, and the amount necessary to make such refundment is hereby annually appropriated.

Provided further, that in order to be permitted to purchase such land and improvements from the state without paying for the improvements, the bona fide settler or lessee of the state must make such purchase at the first sale held by such Commissioner of Conservation in which the land in question is offered for sale, and

Provided further, that prior to such sale by the Commissioner of Conservation any and all contest proceedings or actions involving the land in question, which had been instituted or pending relative to the land in question must have been finally determined.

('11, c. 196, §1; G. S. '13, §521' Ex. Ses. '19, c. 17, §1; '27, c. 332, §1; Dec. 27, 1933, Ex. Ses., c. 22, §1.)

Sec. 2 of Act Dec. 27, 1933, cited, provides that the act shall take effect from its passage.

State v. Hamre-Hogenson Holding Co., 183M318, 236 NW456; note under §6261.

Adoption by a constitutional amendment, of an existing statutory method of appraisal and sale of state land, included whole scheme, terms of sale, form of certificate of sale, and rights thereby conferred on purchaser. State v. Finnegan, 183M54, 246NW521. See Dun. Dig. 1576, 7964.

Where a purchaser of state lands has permitted interest payments to become delinquent and land is offered for sale because of delinquency and improvements made by purchaser have been appraised separately from land, and land is sold to the settler who made the improvements, he need not pay for them, but if land is sold to another person, money for improvements is to be paid to settler who made them. Op. Atty. Gen., Mar. 20, 1934.

Where holder of certificate assigned his interest and land reverts to state and original holder takes a lease from the state, lessee as purchaser cannot avoid payment for improvement not made under his state lease. Op. Atty. Gen. (700d-17), Nov. 2, 1935.

In condemnation proceedings by state to acquire lands to be transferred to federal government, minimum price for which state trust fund lands may be taken is \$5 per acre, and this includes state swamp lands. Op. Atty. Gen. (700d-7), Jan. 20, 1938.

6280. Notice of sale.

Notices published on a legal holiday are valid. Op. Atty. Gen. (276d), June 8, 1935.

Requirements as to notice are minimum, and commissioner may give other notices if in his opinion business judgment indicates that he should give additional publicity, and expense of such publicity is a legal charge against funds of division of lands and minerals. Op. Atty. Gen. (700d-28), Nov. 9, 1935.

6280-1. Certain sales of state land legalized.—

Whenever the notice of sale of State lands, publication of which is required by Mason's Minnesota Statutes of 1927, Section 6280, has been published in four publications of a legal weekly newspaper, published at the county seat at which such sale of state lands has been held, all such publications are hereby made valid and effective to all intents and purposes, as against the objection that said notice was not published for four consecutive weeks or, where such publication was for four consecutive weeks, that four full weeks had not elapsed between the date of the first publication and the date of the sale. (Act Apr. 24, 1935, c. 244.)

6283. Maps and plats.

Commissioner of conservation has no authority to join with purchaser of tax forfeited land in platting thereof. Op. Atty. Gen. (983d), Dec. 28, 1938.

6284. Certificate of sale—Default—Resale.

A county may not levy a writ of attachment against state's income under hay stumpage lease on lands sold by state and reverting back to it. Op. Atty. Gen., Nov. 7, 1933.

Where lands were sold under contracts for deed, and appraisal at time of sale did not show timber of value, and contracts became delinquent but taxes were paid, and a crop of aspen timber reached merchantable size and was sold to a third person by contract vendee, only remedy of state to prevent cutting of timber is by cancellation of contract of sale or possibly injunction to prevent waste. Op. Atty. Gen. (700a-1), Mar. 19, 1937.

State has no interest in insurance on improvements made by purchaser in absence of agreement or statutory provision regulating it. Op. Atty. Gen. (252k), Oct. 24, 1938.

6285. 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 1st, or within six days thereafter, by the purchaser or by any person claiming under him, then the Commissioner of Conservation 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 Commissioner of Conservation shall have reappraised and advertised and publicly offered for sale such lands, a reentry 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, free and clear of any and all rights claimed by the original purchaser, his heirs or assigns, whether in actual or constructive possession thereof. The provisions of this section as amended shall not apply to state lands sold prior to January 1, 1934. (R. L. '05, §2421; G. S. '13, §5228; Jan. 5, 1934, Ex. Ses., c. 39, §1.)

See §6452-1.

Where state lands were sold and school or swamp land certificates issued, and lands were placed on tax list and then sold for delinquent taxes, and petitioners purchased at the tax judgment sale or took assignments from the estate, and original purchaser of lands failed to live up to the terms of his contract, petitioners were not entitled to a refund. Op. Atty. Gen., Feb. 2, 1931.

When state owned lands revert to state, tax title of purchaser at a tax sale is extinguished, such tax title purchaser acquiring only interest of vendee of land. Op. Atty. Gen., Nov. 7, 1933.

A county may not levy a writ of attachment against state's income under hay stumpage lease on lands sold by state and reverting back to it. Id.

Where holder of certificate failed to pay interest and taxes and assigned certificate to bank as collateral and bank leased land and received rents and became insolvent, state's title to land was such as to warrant filing claim with receiver for the rental money. Op. Atty. Gen., Jan. 29, 1934.

Where purchaser of land fails to pay interest for several years and state reoffers land for sale, but it is not resold, such purchaser no longer has the right to lease the land to third persons, and state is in position to sue in trespass any person occupying the land. Op. Atty. Gen. (700d-9), June 29, 1934.

Laws 1935, c. 68, suspending foreclosure of contracts of deed, does not apply to state lands sold under certificate of sale. Op. Atty. Gen. (415m), May 25, 1935.

State title on default by purchaser is not a perfect title, and land remains subject to taxes as regards right of defaulting purchaser to redeem, but state may resell the property and give clear title, and tax judgment lien on such sale becomes inoperative. Op. Atty. Gen. (409b-8), Sept. 17, 1935.

Original purchaser may purchase after resale on equal footing with other bidders and former contract and all obligations thereunder, including taxes and interest, are wiped out. Op. Atty. Gen. (700d-17), Nov. 2, 1935.

Where lands have reverted to state under §6285 and accumulated interest, penalties and taxes exceed value of land, making redemption under §6291 impossible, it would be of doubtful legality for owner to quitclaim to the state and receive in consideration therefor a lease free of tax liens. Op. Atty. Gen. (109f), Mar. 5, 1936.

Felony involved in trespassing and cutting timber on reverted state land cannot be rendered legal by a subsequent payment of delinquent interest and penalties on contract. Op. Atty. Gen. (700d-33), Mar. 28, 1936.

Where no taxes have been extended against state lands, no notice of expiration can be issued or served. Op. Atty. Gen. (423k), May 20, 1936.

Where lands reverted under §6285, which were sold before they were included in state forest lands, they are state forest lands withdrawn from sale with full right of possession and use in state, but open to redemption by state certificate holder under §6291. Op. Atty. Gen. (700d-21), July 18, 1936.

State school lands and other public lands described in §§6511, 6522-1, 6522-2, sold prior to passing of act creating state forests, on reversion to the state, could again be sold for tax delinquency under §6285. Id.

There is no statute authorizing sale by counties of delinquent trust fund land, title to which has been forfeited for taxes. Id.

Where taxes and interest on state land certificates of state trust lands, neither county nor any other taxing district has any authority to sell the land or serve notice of expiration of redemption, as the only interest in such lands that may be sold for delinquent taxes is interest vested by land sale certificate in owner, which may be lost after revesting of title in state under certificate and reoffer of land by the sale. Op. Atty. Gen. (700a-8), July 20, 1936.

Where on default of purchaser state readvertised and reoffered trust fund land for sale, and land was not sold, fact that purchaser failed also to pay taxes did not give county officials authority to rent a stump field, the interest in the land covered by taxes gave merely right to redeem. Op. Atty. Gen. (700d-18), July 23, 1936.

Where state trust fund land reverted to the state, and county auditor collected money in payment of timber cut in trespass on land after it had reverted to state, such money must be paid to state treasurer and not applied to credit of delinquent taxes. Op. Atty. Gen. (700d-23), May 6, 1937.

Interest delinquent state trust fund land may be offered for sale notwithstanding §6463 though bordering on meandered lakes. Op. Atty. Gen. (700d-28), Aug. 17, 1937.

6287. Effect of certificate—Record.

State v. Hamre-Hogenson Holding Co., 183M318, 236NW 456; note under §6261.

6289. Conditional sales of certain swamp, etc.

Act to legalize sale of certain swamp land. Laws 1931, c. 21.

6290. Sales by mistake, etc.—Refund.

State v. Hamre-Hogenson Holding Co., 183M318, 236NW 456; note under §6261.

6291. 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 re-sale at public auction of the lands described in the certificate, but not later than December 30, 1941, shall pay to the state treasurer the amount of interest then due and payable on such certificate, with interest at four per cent, such payment shall operate as a redemption of the rights of the purchaser, his heirs or assigns. The provisions of this section shall not apply to state lands sold after January 1, 1934. (As amended Jan. 5, 1934, Ex. Ses., c. 39, §2; Apr. 21, 1939, c. 353.)

Where in 1919 X purchased land from state, paying part of purchase price, but failing to pay any interest or taxes thereafter and Y, not knowing that title was in the state instead of X, purchased the property at tax sale in 1922 and in 1925 caused statutory notice of expiration of redemption upon X, and had paid all taxes up to 1931, is entitled to redeem the land from the state, though the state in 1931 because of X's default reappraised property and offered it for sale and then made it a part of the state forest. Op. Atty. Gen. (423d), May 9, 1934.

State title on default by purchaser is not a perfect title, and land remains subject to taxes as regards right of defaulting purchaser to redeem, but state may resell the property and give clear title, and tax judgment lien on such sale becomes inoperative. Op. Atty. Gen. (409b-8), Sept. 17, 1935.

Where lands have reverted to state under §6285 and accumulated interest, penalties and taxes exceed value of land, making redemption under §6291 impossible, it would be of doubtful legality for owner to quitclaim to the state and receive in consideration therefor a lease free of tax liens. Op. Atty. Gen. (109f), Mar. 5, 1936.

Where no taxes have been extended against state lands, no notice of expiration can be issued or served. Op. Atty. Gen. (423k), May 20, 1936.

Where lands reverted under §6285, which were sold before they were included in state forest lands, they are state forest lands withdrawn from sale with full right of possession and use in state, but open to redemption by state certificate holder under §6291. Op. Atty. Gen. (700d-21), July 18, 1936.

In view of Laws 1937, c. 326, where lands have become forfeited to state pursuant to §2164-7, interest payments should not be accepted and redemption should not be permitted under §6291. Op. Atty. Gen. (425g), June 2, 1937.

Right to redeem lands is not lost until reentry is made by state, and in case of lands sold after Jan. 1, 1934, the 12% penalty should not be collected. Op. Atty. Gen. (700a-8), Dec. 16, 1937.

Certificate holder of state trust fund land which has forfeited to state for delinquent taxes pursuant to Laws 1935, c. 278, is not entitled to redeem by complying with this section. Op. Atty. Gen. (700a), May 15, 1939.

There is no right of redemption by delinquent purchasers who have purchased state land after Jan. 1, 1934, and if default has been made in interest payments and certificate has been cancelled by reappraisal of land and offering same for resale by commissioner of conservation no payments of interest should be accepted, but until such cancellation has been made, payments of interest may be accepted without penalty, thereby removing the delinquency. Op. Atty. Gen. (700a), May 15, 1939; Op. Atty. Gen. (700a-8), June 13, 1939.

Lands sold under certificate of sale may not be redeemed if forfeited to state for nonpayment of taxes. Op. Atty. Gen. (525), June 9, 1939.

Interest at rate of 4% per annum shall be collected on delinquent interest. Op. Atty. Gen. (700a) May 15, 1939; Op. Atty. Gen. (700a-8), June 13, 1939.

6293. Payments on school lands extended.—That the treasurer of the state of Minnesota is hereby authorized to receive payments up to and including December 31, 1939, of the principal on all state land certificates where the time for payment of said principal has expired, or will expire, on or before December 31, 1939, and the governor of the state of Minnesota is hereby authorized to execute patents covering those lands on which all demands due the state have been paid in full, as hereinbefore provided; provided further, that the provisions of this act shall not apply to state land certificates that have been canceled prior to the passage of this act. ('21, c. 440, §1;

'23, c. 27, §1; '25, c. 35, §1; '27, c. 3, §1; Feb. 8, 1929, c. 10, §1; Jan. 23, 1931, c. 4, §1; Feb. 14, 1933, c. 25, §1; Jan. 6, 1934, Ex. Ses., c. 47, §1; July 14, 1937, Ex. Ses., c. 39, §1.)

Amendment of §6293 and 6294 by Laws 1937, Ex. Sess., c. 39, had the effect of repealing §6294, and rate of interest to be charged from May 31, 1937, on payments due on school land is 4%. Op. Atty. Gen. (700a-1), Jan. 7, 1938.

6294. Interest rate on balance.—That interest on the principal remaining unpaid May 31st, 1937, shall run thereafter at the rate of six per cent per annum until the said principal is paid in full. ('21, c. 440, §2; '23, c. 27, §2; '25, c. 35, §2; '27, c. 3, §2; Feb. 8, 1929, c. 10, §2; Jan. 23, 1931, c. 4, §2; Feb. 14, 1933, c. 25, §1; Jan. 6, 1934, Ex. Ses., c. 47, §1.)

Editorial note:—Act July 14, 1937, Ex. Ses., in the title and enacting part, amends "Laws of 1931, Chapter 4 as amended by Chapter 25 of the Laws of 1933 and Chapter 47, Extra Session Laws 1933-1934," but the body of the act amends Section 1 of the former act only. It might be argued that Section 2, constituting this section is thereby superseded.

This section was repealed by Laws 1937, Ex. Sess., c. 39, amending Laws 1931, c. 4, as amended. Op. Atty. Gen. (700a-1), Jan. 7, 1938.

6295. Land 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 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 the purchaser is entitled to a patent and provided further that the governor shall in like manner issue a patent for such land, where the land certificate of sale has been lost or destroyed, upon filing with the state auditor by the person claiming such land an affidavit stating that he is the owner of the land, that the land certificate has been lost or destroyed and that he is and has been the owner of such land and paid the taxes thereon continually for the last fifteen years. The state auditor shall certify on such affidavit that the principal, interest, and taxes have been paid and that the owner is entitled to a patent. (R. L. '05, §2427; G. S. '13, §5237; Apr. 29, 1935, c. 368, §1.)

Sec. 2 of Act Apr. 29, 1935, cited, provides that the act shall take effect from its passage.

6295-1. Certain patents validated.—All patents heretofore issued by the State of Minnesota to estate of deceased persons, where the execution and issuance thereof was otherwise valid, are hereby validated and legalized and made effective to all intents and purposes. (Mar. 23, 1937, c. 84, §1.)

6296-1. Liability under official bonds.—The liability under the official bonds of county treasurers and of their deputies and employes shall include liability for the faithful performance of the duties of such treasurers, deputies and employes, under Section 6296, General Statutes 1923. (Act Apr. 16, 1929, c. 200, §1.)

6296-2. Effective January 6, 1930.—This act shall take effect on the first Monday in January, 1930. (Act Apr. 16, 1929, c. 200, §3.)

6297. [Repealed].

Repealed by Laws 1929, c. 200, §2.

6302-1. State to sell certain lands.—The department of conservation is hereby authorized and directed to take the proper and necessary proceedings, under laws relative to the sale of state swamp lands and state school lands, to sell any and all state owned lands, including any lands set apart as school forest or other state forests, lying within the general boundaries of the Superior National Forest and the Chip-

pewa National Forest, in the State of Minnesota, as such boundaries now exist or may hereafter be extended, which the United States may desire to acquire as a part of either of said forests, and which shall be designated by the executive council, upon the recommendation of the commissioner of conservation, for disposal to the United States for such purpose, and at such sale said lands shall be purchased for the state by the commissioner of conservation at a price not exceeding a maximum fixed by the executive council. (Act Apr. 19 1929, c. 246, §1.)

See §§6513-1 to 6513-8.

Act is not workable because of lack of official authority to carry it into effect. Op. Atty. Gen., Dec. 28, 1929.

6302-2. State may exchange land.—The executive council is hereby authorized and empowered to exchange any or all of the lands which may be acquired by the state by purchase as aforesaid for lands of the United States of the same general character and of substantially the same value as in its judgment will promote the best interests of the state, upon such terms and conditions as it shall deem proper, and to that end may accept or pay out of any available funds such cash differences as will affect an equitable exchange of lands. The said council is hereby authorized to cause any lands so acquired to be appraised by such competent authority as it shall appoint or direct. (Act Apr. 19, 1929, c. 246, §2.)

6302-3. Governor to execute conveyances.—For the purpose of carrying out the objects of this act, the governor is hereby authorized and empowered to execute proper instruments of conveyance in the name and under the seal of the state. (Act Apr. 19, 1929, c. 246, §3.)

6302-4. Appropriation.—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$10,000 to carry out the provisions of this act. (Act Apr. 19, 1929, c. 246, §4.)

6302-5. Land use committee formed.—There is hereby created a Land Use Committee composed of the Governor, the Chairman of the Conservation Commission, the Commissioner of Conservation, the Commissioner of Agriculture, the Commissioner of Education, the Commissioner of Highways, and the Chairman of the Tax Commission. The members of said committee shall serve without pay. Said Land Use Committee shall meet at the office of the Conservation Commission as often as may be necessary, upon call of the Governor who shall be chairman of said committee ex officio. The Chairman of the Conservation Commission shall be vice-chairman of said committee, and the Commissioner of Conservation shall be and act as the executive secretary of said committee. (Act Apr. 22, 1933, c. 436, §1.)

6302-6. Land classification committee in certain counties.—In each county of the state having 25 per cent or more of its land area delinquent for non-payment of taxes, or where 25 per cent or more of its land area is owned by the state and/or the United States, there shall be a Committee of Land Classification composed of the County Auditor, the Chairman of the Board of County Commissioners, the County Treasurer, the County Surveyor, and the County Superintendent of Schools. The Chairman of the County Board of Commissioners shall be chairman of said County Land Classification Committee. In any such county having a county agricultural agent, such agent shall meet and advise with said committee. Said committee shall meet at the offices of the County Auditor as often as may be necessary upon call of the County Auditor. (Act Apr. 22, 1933, c. 436, §2.)

6302-7. Duties and powers.—It shall be the duty of said Land Use Committee to classify all public and

private lands in the state with reference to the use to which such lands are adapted, but principally as to adaptability to present known uses such as agriculture and forestry. Such classification shall be based upon a consideration of the known physical and economic factors affecting the use of the land. The Land Use Committee shall consult with private, state, and federal agencies concerned with land use, and may appoint such advisory committees as it may deem necessary and advisable, made up of residents of the state concerned with and interested in land use, such advisory committees to serve without pay, at the pleasure of the Land Use Committee and to consider and report upon such land use problems as may be submitted by the Land Use Committee. The work of the Land Use Committee shall first be done in the counties having Land Classification Committees. The Land Use Committee shall consult, advise with and co-operate with the Land Classification Committee in each county in obtaining and considering the facts upon which to determine its land classification; the Land Classification Committee in each county shall consult, advise with and co-operate with the Land Use Committee in like manner, but the determination of the Land Classification Committee shall be final. (Act Apr. 22, 1933, c. 436, §3.)

6302-8. Lands to be classified.—Upon the basis of all of the facts concerning land use now obtainable and in the manner herein provided, the Land Use Committee shall make and determine a temporary land classification of land areas with reference to the known uses to which such areas are adapted or adaptable. Such classification shall be adopted by a majority vote of said committee and recorded in its minutes. A certified copy of such temporary classification, together with a brief statement of the reasons therefor shall be recorded in the office of the Register of Deeds in the county or counties in which the lands classified are located. No fees shall be paid for such recording. When such temporary classification has been adopted by the committee, none of the lands classified as nonagricultural shall thereafter be sold or leased by the state for agricultural purposes. (Act Apr. 22, 1933, c. 436, §4.)

6302-9. Shall report to state legislature.—The Land Use Committee shall report the results of its land classification to the State Legislature with such recommendations as it may deem advisable. (Act Apr. 22, 1933, c. 436, §5.)

INVESTMENT

6303. Investment of permanent school fund.—The permanent school fund, permanent university fund, swamp land fund, internal improvement land fund, and all other permanent trust funds of the State of Minnesota, may be invested in the bonds of the United States or of the State of Minnesota, and each of said funds, except the internal improvement land fund, may be invested in the bonds of any other state of the Union, yielding not less than two per cent interest, or in the bonds of any school district, county, city, town or village of this state, yielding not less than three per cent interest. Such funds shall be invested by a board of commissioners consisting of the governor, treasurer, auditor, attorney general and one commissioner to be appointed by the Regents of the University of Minnesota from among their members, which shall be known as the State Board of Investment, and which shall hold regular meetings on the first and third Wednesdays of each month. The governor shall be ex-officio president of said board, which shall have a permanent secretary, who shall keep a record of its proceedings. Both the secretary of the board and the auditor shall keep a record showing the trust fund to which each bond belongs, the number and amount of each bond, when issued, the rate of interest, when and where payable, by whom executed, when purchased, when withdrawn and for

what purpose. No loans shall be made and no bonds shall be purchased, sold, exchanged or transferred from one trust fund to another except upon a majority vote of all members of said board of investment. In investing the permanent school fund preference shall be given to applications for loans from school districts and priority shall be accorded such loans of \$25,000 and less. The board of investment shall have the power to fix and change the rate of interest on loans to municipalities within the state, provided such rate is never less than three per cent, and whenever such rate is changed after any municipality has voted its bonds to the state such municipality is hereby authorized to pay the new rate so fixed and to issue its bonds bearing such rate upon approval and acceptance thereof by resolution of its governing body. (As amended Apr. 19, 1929, c. 254, § 1; Apr. 25, 1931, c. 346, §1; Apr. 29, 1935, c. 337; Apr. 21, 1939, c. 387.)

The title to Act Apr. 29, 1935, c. 337, reads: "An act to amend Mason's Minnesota Statutes of 1927, as amended by Laws 1929, chapter 254, and by Laws 1931, chapter 346, relating to the investment of the permanent trust funds." The enacting part purports to amend "section 6303" of Mason's statute, etc.

Act Apr. 4, 1933, c. 150, validates municipal bonds theretofore purchased by the board.

Membership of the President of the Board of Regents of the University in the State Board of Investment may be changed so as to substitute therefor a commissioner to be appointed by the Board of Regents from among their members, as proposed in Senate File 460. Op. Atty. Gen., Feb. 25, 1931.

State Board of Investment is authorized to invest money in school trust funds in bonds of Federal Farm Mortgage Corporation. Op. Atty. Gen. (928b), Jan. 4, 1938.

6303-1. Investment of state funds by state investment board.—Notwithstanding any other provision of law to the contrary, but subject to any controlling provisions of the state constitution, the state board of investment, or its successor in authority, is hereby authorized to invest any state funds subject to investment under its control in any bonds or certificates of indebtedness, bearing interest at a rate not less than one and one-half per cent per annum, issued by the state or by any authorized state agency, but not including counties, municipalities, school districts, or other political subdivisions. The provisions of this section shall not limit the authority of the board or its successor under any other law, but shall be supplementary thereto. (Act Apr. 21, 1939, c. 372.)

6314-1. Tax levy certificates for fourth state hospital for the insane.—The state board of investment is hereby authorized to invest the state trust funds in said tax levy certificates, and said state investment board is hereby authorized to purchase said certificates of indebtedness at the rate of not less than three per cent interest in such sums and amounts as said state investment board may, from time to time, have available funds for that purpose, and said state investment board, for this purpose, is authorized to purchase said certificates of indebtedness at a rate of interest not less than three per cent, any law to the contrary notwithstanding, but this rate of interest shall not apply to the state investment board for other loans. (Jan. 11, 1936, Ex. Ses., c. 5, §9.)

The certificates of indebtedness referred to are those to be issued to secure establishment of a fourth state hospital for the insane.

MISCELLANEOUS

6323. Taxation—Sales—Redemption—Etc.

Where state lands were sold and school or swamp land certificates issued, and lands were placed on tax list and then sold for delinquent taxes, and petitioners purchased at the tax judgment sale or took assignments from the estate, and original purchaser of lands failed to live up to the terms of his contract, petitioners were not entitled to a refund. Op. Atty. Gen., Feb. 2, 1931.

State title on default by purchaser is not a perfect title, and land remains subject to taxes as regards right of defaulting purchaser to redeem, but state may resell the property and give clear title, and tax judgment lien on such sale becomes inoperative. Op. Atty. Gen. (409b-8), Sept. 17, 1935.

Where no taxes have been extended against state lands, no notice of expiration can be issued or served. Op. Atty. Gen. (423k), May 20, 1936.

County auditor may sell or assign trust fund lands in state forest, which has been sold under contract by the state, pursuant to Laws 1935, c. 387, but purchaser or assignee acquires only the interest held by contract holder. Op. Atty. Gen. (700d-1), July 15, 1936.

Where taxes and interest on state land certificates of state trust lands, neither county nor any other taxing district has any authority to sell the land or serve notice of expiration of redemption, as the only interest in such lands that may be sold for delinquent taxes is interest vested by land sale certificate in owner, which may be lost after revesting of title in state under certificate and reoffer of land by the sale. Op. Atty. Gen. (770a-8), July 20, 1936.

When a portion of a parcel of trust land sold by state under contract is taken by eminent domain, entire award must be applied on indebtedness due state up to amount of such indebtedness before any portion is applied on taxes or expenses of condemnation proceedings. Op. Atty. Gen. (700d-12), Sept. 19, 1936.

6324 to 6327. [Repealed].

Repealed Feb. 14, 1929, c. 18.

6328. Lands to be leased by state auditor.

This section does not authorize the state auditor to lease lands acquired by the state for delinquent taxes under Laws 1927, c. 119, § 4. Op. Atty. Gen., Apr. 1, 1933.

County auditors have implied authority to look after the leasing of lands to be acquired under Laws 1927, c. 119. Op. Atty. Gen., Apr. 12, 1933.

State cannot accept gift of mineral lands subject to condition that state execute a proposed lease of premises for purpose of storing lean ore and rock from adjoining lands under lease. Op. Atty. Gen. (311d), Oct. 13, 1937.

Legal title to University permanent trust fund land is vested in state subject to trust imposed thereon for use and benefit of University to be appropriated and applied as legislature may prescribe for use and support of the University, and in absence of legislation to that effect, department of conservation is without authority to transfer administration, sale, lease, demise, control or management of University trust fund lands to Board of Regents of the University. Op. Atty. Gen. (618c-2), Dec. 13, 1938.

6340-1. Executive council to acquire and dispose of lands.—In all acquisitions of lands, made by the Executive Council, involving flood control, water supply, water diversion, control of erosion, reforestation, afforestation and recreation and not presently needed for such purpose or purposes, which may be or have been purchased or acquired under the terms of House File No. 182 and/or under Laws 1935, Chapter 51 and/or Extra Session Laws 1935-1936, the Executive Council is hereby authorized to lease, rent, sell, or otherwise dispose of or deal with, upon such terms and conditions as it may deem advisable, any and all of the lands, buildings, or improvements thereon so acquired. (Apr. 24, 1937, c. 459, § 1.)

House File No. 182, referred to in this section, was not enacted, but such reference should be held to apply to Laws 1937, Ex. Sess., c. 89. Op. Atty. Gen. (928c-13), Mar. 16, 1938.

Executive council is authorized to sell or donate unneeded project lands to federal government for purpose of establishing a fish hatchery. Op. Atty. Gen. (928c-18), Oct. 18, 1938.

Lands acquired by executive council under relief acts should be classified as those presently needed for flood control, water supply, water diversion, control of erosion, reforestation, afforestation and recreation, and other lands should be classified as those not presently needed for any such purpose, and land within latter classification should remain under control of the executive council, and lands in first classification are subject to control of commissioner of conservation and it is his responsibility to head a program or policy for their use. Op. Atty. Gen. (928m), August 28, 1939.

6340-2. Receipts to be credited to improvement fund.—Any sum or sums of money received from such leasing, sale or disposition of said lands or improvements thereon shall be credited to the \$2,500,000 fund created by House File No. 182 and re-allocated and expended in the same manner and for the same purposes for which said fund was created. (Apr. 24, 1937, c. 459, § 2.)

Sec. 3 of Act Apr. 24, 1937, cited, provides that the Act shall take effect from its passage.

Sale by the state of fish reduction plant standing upon leased grounds. Op. Atty. Gen. (928c), Aug. 4, 1938.

TIMBER LANDS

6356. State appraisers—bond—duties—badge—reports.—At the time of the appointment of any such state appraiser he shall give a bond to the state in a penal sum of not less than \$1,000 conditioned for the faithful performance of his duties, which bond shall be approved by the attorney general, and together with the oath as hereinbefore provided for, be filed in the office of secretary of state. Provided that a bonded District Ranger or Fire Patrolman certified by the Director of Forestry to be a competent timber appraiser, shall have all the power and authority of any such state appraiser without giving further bond than his bond as a District Ranger, or Fire Patrolman. Such bonds shall be paid for out of monies appropriated for the supervision of state timber.

Every such state appraiser is hereby authorized to arrest any person found trespassing, or to have trespasser, upon state lands and deliver him to the sheriff of the county, and such state appraiser shall immediately enter a complaint before a court of competent jurisdiction in said county charging the person so arrested with such trespass, and the person so charged shall be arraigned and given a hearing on such complaint.

Such state appraiser shall wear when upon duty a badge of office to be designated and provided by the Director of Division of Forestry.

It is hereby declared a misdemeanor for any person not a duly appointed and acting state appraiser to wear a badge or to impersonate or claim to be a state appraiser.

Whenever an appraisal or valuation is made upon lands suited for agricultural purposes, such state appraiser shall place an estimate and valuation of any timber thereon, and make a separate 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 for that purpose, and shall be made a part of the record of the Director of the Division of Forestry office, such entry shall be dated when made and sworn to upon the record at the same time the state appraiser shall file in the Director of the Division of Forestry all plats and field notes made by him, and affix his signature to each said plat and to each said page of the field notes. Such records shall show that said state appraiser was actually upon the land when such estimate and valuation was made.

No such report shall embrace more than one section or fractional section of land according to the government survey thereof, and shall show the amount of timber upon each forty acre tract or subdivision; provided, however, that as ownership may appear to each subdivision of land so appraised in the various trust funds of the state, so shall all appraisements, sales, and accountings therefor be done according as such title may appear as of record in the office of the Director of the Division of Forestry and provided further, that where appraisals, sales, and accountings heretofore made have not been made in accordance with this provision, the Director of the Division of Forestry is authorized to make such apportionment to the various funds as he may deem equitable and just to each such fund, and such apportionment is hereby legalized and confirmed.

The report shall state the amount of each kind of timber, the value per thousand feet, and the value per piece of all such timber.

In making such estimate and valuation the appraiser shall take into consideration distance of the timber from the nearest lake, stream, or railroad, and the character of the land, what amount, if any, of the timber has been burned, and the extent and character of such burning; the situation of the timber relative to risks from fire or damage of any kind, and the injury which will result in the prospective price that may be obtained in the future by reason of the removal of timber operations contiguous to or in the community of, such tract, thereby leaving such tracts

isolated and the value of the timber to the State thereby lessened. (As amended Apr. 23, 1937, c. 369, §1.)

6364. [Superseded].

Martin v. Federal Surety Co., (CCA8), 58F(2d)79; note under §6394-18.

6367. [Superseded].

See temporary act Apr. 9, 1931, c. 136, §2. Certain timber permits extended. See Laws 1933, c. 107.

Eight per cent rate prescribed by Laws 1931, c. 136, and Laws 1933, c. 107, is applicable to permit issues between Sept. 18, 1926, and Oct. 13, 1927, and between Jan. 18 and Jan. 24, 1928, and which were extended under authority of such acts. Op. Atty. Gen. (433), Apr. 3, 1935.

Laws 1933, c. 107, §1, grants executive council authority to extend any permit issued between Jan. 8, 1928, and Jan. 24, 1928. Op. Atty. Gen. (700d-31), Jan. 7, 1936.

6383. [Superseded].

Martin v. Federal Surety Co., (CCA8), 58F(2d)79.

6386. [Superseded].

Martin v. Federal Surety Co., (CCA8), 58F(2d)79.

6394. [Superseded].

Martin v. Federal Surety Co., (CCA8), 58F(2d)79.

STATE TIMBER ACT

6394-3. Trespass on state lands—damages—possession of timber unlawfully cut—trespass as felony.

—Whoever, without valid permit, shall cut any timber upon the lands owned by this state, 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. And any person found to have acquired possession in any manner whatsoever of any timber unlawfully cut on lands owned by this state shall be conclusively presumed to have acquired such timber with knowledge that the same was so unlawfully cut, and shall be liable to the state in a civil action for twice the value thereof, and it shall be no defense in any action to plead or claim a purchase of such timber from anyone other than the director of the division of forestry, department of conservation, nor shall such defendant be allowed to claim that any other person should be joined as defendant; and he shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in preparing such timber for market or transporting the same to or towards market. And every such trespass wilfully committed shall be deemed a felony. (As amended Apr. 23, 1937, c. 368, §1.)

Delay of 11 years by state before starting action to recover for timber cut from state land, held to render it guilty of laches, barring question of items of settlement. 131M513. 233NW16. See Dun. Dig. 5356. 7957.

One claiming right to land held liable for only single stumpage. Op. Atty. Gen., July 18, 1933.

Department of conservation has no discretion as to extending leniency, and double stumpage must be charged regardless of facts involved. Op. Atty. Gen. (27e), Sept. 11, 1935.

Felony involved in trespassing and cutting timber on reverted state land cannot be rendered legal by a subsequent payment of delinquent interest and penalties on contract. Op. Atty. Gen. (700d-33), Mar. 28, 1936.

Provisions of this act apply to lands forfeited to state for taxes, though responsibility for supervision is divided between counties and conservation commission. Op. Atty. Gen. (700a-9), Apr. 29, 1938.

6394-5. Prosecutions by Attorney General—Duties of county attorneys.

Statute does not authorize county attorney without direction of attorney general to prosecute action for trespass involving land forfeited to state. Op. Atty. Gen. (412a-24), July 7, 1939.

6394-6. Proceeds of sales of timber seized and damages recovered—Disposition of.

Where state trust fund land reverted to the state, and county auditor collected money in payment of timber cut in trespass on land after it had reverted to state, such money must be paid to state treasurer and not applied to credit of delinquent taxes. Op. Atty. Gen. (700d-23), May 6, 1937.

6394-8. Same—Powers enumerated.—A majority of the timber board, at any meeting thereof, shall have power, in addition to all other powers conferred by this or any other act, to do any of the following things, to-wit:

(a) Determine the number of sections or fractional sections of land to be covered by or described in any one report by state appraisers, or in any one timber permit issued to the purchaser of stumpage on state lands, or in any one contract or other instrument relating thereto and within the jurisdiction of the board; and grant extensions of such timber permits and contracts, whether heretofore or hereafter issued, for and during such period as the board deems advisable, but otherwise subject to all the provisions of this act. But a condition of any extension shall be that the purchaser shall pay to the state, interest at the rate of six per cent (6%) per annum on the unpaid purchase price, as finally computed on the actual sale or count of such timber at the time of cutting thereof, or if not cut then upon the official estimate thereof. No permit shall be extended more than six years from the date of issuance thereof. (As amended Apr. 21, 1933, c. 375, §1; Apr. 23, 1937, c. 368, §2; Feb. 25, 1939, c. 32.)

* * *

Act Apr. 23, 1937, cited, amends only subdivision (a). Eight per cent rate prescribed by Laws 1931, c. 136, and Laws 1933, c. 107, is applicable to permit issues between Sept. 18, 1926, and Oct. 31, 1927, and between Jan. 18, and Jan. 24, 1928, and which were extended under authority of such acts. Op. Atty. Gen. (433), Apr. 3, 1935. Act Apr. 24, 1937, c. 440, extends certain permits.

6394-10. Sales of state timber by direction of division of forestry.—Subject to the restrictions of the state constitution, the director of the division of forestry with the approval of the commissioner of conservation may sell the timber on the lands in his charge without formalities but for not less than the full appraised value as fixed by any two state appraisers, small amounts of green standing, dead, down, dying or insect infected or diseased timber not exceeding \$250.00 in appraised value to any individual; provided, that not more than one such sale to any individual shall be in effect at any one time. The purchaser shall pay the full appraised price in advance before the permit is issued, and upon receipt of such payment the director of the division of forestry may informally, by letter or otherwise, authorize the purchaser to cut and remove such timber within one year from the date of sale under the supervision and restrictions as the director of the division of forestry or any state appraiser by him designated shall deem advisable. Provided, however, that if the purchaser, for good and sufficient reason, is unable to cut and remove the timber within the one year period, an extension of time may be granted by the director of the division of forestry with the approval of the commissioner of conservation; provided further, that only one such extension shall be granted and such extension shall be for one year only. All timber products except fuel wood cut under the provision of this act shall be scaled by the surveyor general of logs and lumber or his designated representative, and final settlement for the timber cut shall be made on this scale. The purchaser shall dispose of slashings according to law, shall be liable under this act in trespass for cutting or unnecessarily injuring any timber not included within the sale made to him under this paragraph, and shall be otherwise subject to all the laws governing the sale and removal of state timber so far as practicable. (As amended Apr. 21, 1939, c. 352.)

Lands in state forests, see post, §§6513-1 to 6513-8. Statute is not applicable to sale of Christmas tree stumpage and a bid is necessary even where agreement is to only thin out overcrowded trees. Op. Atty. Gen., Aug. 22, 1933.

6394-17. Permits to purchasers to cut and remove timber—contents—filing—duties and rights of purchasers under—state marks, etc.—Upon the delivery

and filing of the duplicate receipts mentioned in the preceding section, the director of the division of forestry, department of conservation, shall issue a numbered permit to such purchaser, 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 act. Such permit shall be correctly dated and executed by the director of the division of forestry, department of conservation, and signed by the purchaser. Such permit shall cover one or more logging seasons as the timber board shall specify, and the timber shall be cut and removed within the time specified therein. 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 per thousand feet, per cord, per piece, or by whatever description sold, and shall specify the state marks to be used thereon. Such marks shall be M I N and the permit number. The permit shall provide that the purchaser shall plainly place the specified marks upon the end of every piece of timber cut, and that, in case of any failure to place said marks upon any such piece, the state shall have the right to take possession of the same wherever found. The permit may provide that the purchaser or permit holder may place his own mark upon timber cut under such permit only after the state marks shall have been first plainly placed thereon; but no such mark of the purchaser shall in any way encroach upon, obliterate or obscure the state marks or any part thereof; nor shall any figure be used by the purchaser as his mark or any part thereof. The permit shall contain such other provisions as may be necessary to secure to the state the title of all timber cut thereunder, wherever found, until full payment therefor, and until all provisions of the permit have been fully complied with. The permit shall provide that from the date the same becomes effective until the expiration thereof (including all extensions) the purchaser and his successors in interest shall be liable to the state for the full permit price of all timber covered thereby, notwithstanding and regardless of any subsequent damage or injury thereto or trespass thereon or theft thereof, and without prejudice to the right of the state to pursue such timber and recover the value thereof anywhere prior to payment therefor in full to the state. But upon recovery from any person other than the permit holder, the latter shall be deemed released to the extent of the net amount (after deducting all expenses of collecting same) recovered by the state from such other person. The permit shall also provide that all timber standing on the land and sold shall be cut; that the same shall be cut clean without damage to other timber; that the purchaser shall remove all timber authorized to be cut under the permit; that timber sold by board measure but later determined by the director of the division of forestry, department of conservation, not to be convertible into board measure may be charged for (and shall be paid for) by the piece according to the size, species, or value of each piece or cord, as may be determined by the timber board; that the purchaser shall pay to the state the permit price for all timber authorized to be cut, including timber which he fails to cut and remove, together with all fees of the surveyor general for scaling same; that the purchaser shall notify the surveyor general and also the director of the division of forestry, department of conservation, by registered letter, at least fifteen days before any cutting is done, at which 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. Provided further that the purchaser shall notify the director of the division of forestry, department of conservation, by registered mail, that such cutting is completed for that season, not later than fifteen days after he has completed cutting for the season.

The permit shall provide that the purchaser shall make a report in writing to the director of the division of forestry, department of conservation under oath, enumerating and stating the amounts of timber cut under such permit; the kinds of timber removed and the amounts of each in board feet, per piece, in cords, or any other dimension, in the manner and forthwith whenever so required by the director of the division of forestry, department of conservation. Any false return or report made to the director of the division of forestry, department of conservation, by any such purchaser or permit holder, or by any one representing him, shall constitute a gross misdemeanor.

The permit shall provide that the director of the division of forestry, department of conservation, shall have power to order suspension of all operations under the permit at any time, and any timber cut or removed during such suspension is hereby declared to be cut in trespass. The permit shall further provide that the timber board may cancel the permit at any time in its judgment the conditions thereof have not been complied with, and such cancellation shall constitute repossession of the timber by the state. The purchaser shall remove his equipment from such land within ninety days thereafter. The permit shall further provide that if the purchaser at any time fails to pay any obligations to the state under all or any other permits, then any or all his permits may be cancelled. The permits shall also provide that any timber removed in violation of the terms of the permit or of any law shall constitute trespass. A provision shall be contained in the permit that the statute of limitations shall not prevent the bringing of any action or proceeding, either civil or criminal, growing out of any violation of any provision of this act, and no statute of limitations shall so operate. The permit shall provide that the purchaser and his successors in interest shall burn or otherwise dispose of all slashings, or other refuse resulting from cutting operations, in the manner now or hereafter provided by law. The permit shall further provide that at any time the state may bring an action or suit to restrain, enjoin, and prohibit the further cutting or removal of timber or the further entry of the permit holder or his representatives upon any of the lands covered by the permit, whenever in the opinion of the attorney general any of the terms of the permit are being or have been violated, which suit shall be without prejudice to any other action or proceeding on behalf of the state.

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 the director of the division of forestry, department of conservation. The timber board, state forester, attorney general and director of the division of forestry, department of conservation, or any of them, are hereby specifically empowered to enforce all provisions and all conditions contained in any timber permit executed pursuant to the provisions of this act. (As amended Apr. 23, 1937, c. 368, §3.)

Laws 1931, c. 136, authorizes the extension of permits issued between Sept. 18, 1926, and Oct. 31, 1927.

Laws 1933, c. 107, authorizes extension of permits issued between Jan. 18 and Jan. 24, 1928, both dates inclusive.

Statute of limitations does not run against the state in action on bond given by permittee. 180M160, 230NW 484.

Laws 1933, c. 107, §1, grants executive council authority to extend any permit issued between Jan. 8, 1928, and Jan. 24, 1928. Op. Atty. Gen. (700d-31), Jan. 7, 1936.

6394-18. Bonds of purchasers—Liabilities on—Subrogation.—Except as otherwise provided by law, the purchaser of any state timber, before any timber permit to him shall become effective for any purpose, shall within ninety days from the date of purchase give a good and valid bond to the state of Minnesota in double the value of all timber covered or to be covered by said permit, as shown by the sale price bid therefor and the record of appraisal thereof as

to quantity, which bond shall be conditioned for and upon the faithful performance by said purchaser and his successors in interest of all the terms and conditions of said permit and all requirements of law in respect to such sales; and said bond shall be approved in writing by the commissioner of conservation and filed for record in the office of the director of the division of forestry. No person directly or indirectly interested, in law or in equity, in the purchase of said timber shall be accepted as a surety on such bond.

In case of default in payment by the permit holder, the surety upon his bond may make payment in full to the state of all sums of money due under such permit; and thereupon such surety or sureties shall be deemed immediately subrogated to all the rights of the state in, or to, or in respect of, all the timber so paid for; and such subrogated party may pursue said timber and recover therefor, or have any other appropriate relief in relation thereto, which the state might or could have had if such surety had not made such payment. No assignment or other writing on the part of the state shall be necessary to make such subrogation effective; but the certificate of the commissioner of conservation under his hand and official seal, showing the amount of such timber, the lands from which it was cut or upon which it stood, and the amount paid therefor, shall be prima facie evidence of such facts. (As amended Mar. 31, 1939, c. 120.)

Compensated surety company executing bond of permittee for cutting of timber on state land, held subrogated to the right of the state to proceed against a purchaser of timber in an action for conversion, and this right existed before the passage of this section. *Martin v. Federal Surety Co.*, (CCA8), 58F(2d)79.

Judgment in former case held to bar action by former surety seeking indemnity. *Maryland Casualty Co. v. B.*, 184M550, 238NW598. See Dun. Dig., 5176.

Purchaser who paid permit holder who failed to pay state for timber was liable to surety on permit holder's bond which was compelled to pay state. *National Surety Co. v. W.*, 187M50, 244NW290. See Dun. Dig. 1926, 1932, 1934.

In action by surety of permit holder, evidence held to show that defendant was purchaser and not broker or sales agent for permit holder to sell to railway company. *National Surety Co. v. W.*, 187M50, 244NW290. See Dun. Dig. 1926, 1932, 1934.

Certified checks cannot be accepted in lieu of form of bond required by statute. Op. Atty. Gen., Jan. 18, 1934.

Surety compelled to pay is subrogated to vote rights permittee and can cut timber up to date of final termination of permit, but cannot enter to cut remaining timber after expiration of permit. Op. Atty. Gen. (27c), June 19, 1935.

Administrative officials must secure a sufficient bond, and they have no right to require a mortgage from bondsmen as well as a bond. Op. Atty. Gen. (45h), Dec. 4, 1935.

6394-31. Deferred payments—Interest on—Collection—Sale of timber for—Sureties on bonds not released.—If the amount of such statement be not paid immediately, it shall bear interest at the rate of six per cent per annum from date; and if not paid within 30 days the treasurer shall place the account in the hands of the Attorney General, who shall proceed to collect the same. Whenever the auditor shall deem it for the best interest 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 amount 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 Act, 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. (R. L. '05, §2653; G. S. '13, §5705; Apr. 21, 1933, c. 375, §2.)

6394-32. Timber unlawfully cut or removed, etc.

See §6513-5 herein.

Where lands were sold under contracts for deed, and appraisal at time of sale did not show timber of value, and contracts became delinquent but taxes were paid, and a crop of aspen timber reached merchantable size and was sold to a third person by contract vendee, only remedy of state to prevent cutting of timber is by cancellation of contract of sale, or possibly injunction to prevent waste. Op. Atty. Gen. (700a-1), Mar. 19, 1937.

6394-33. Auditor's record of trespasses.

See §6513-5 herein.

6394-37. Statutes of limitations not applicable, etc.

In view of this section statute does not run against state as to action on bond of timber permittee. 130M 160, 230NW484.

MINERAL LANDS

6395. Reservation of minerals and water powers.

Where sand and gravel exist in such substantial quantities as to possess a commercial value, they are "valuable minerals" and therefore reserved to state upon sale of lands. Op. Atty. Gen., Oct. 4, 1933.

6398. Disposition of minerals reserved.

State's ownership in land was full and complete, notwithstanding mineral reservation in deed to it. Op. Atty. Gen., Mar. 10, 1933.

6401. Reservation of minerals under meandered lakes, etc.

There is no statutory administrative authority to issue permits to prospect for gold ore beneath public waters. Op. Atty. Gen. (311d-3), Oct. 21, 1935.

6402-1. Funds, how disposed of.—The principal of all funds derived from the sale or other disposition of such minerals and lands so situate shall forever be preserved inviolate and undiminished, but the same may be invested as the Swamp Land fund of the state is now invested, and the proceeds arising therefrom shall be paid into the state road and bridge fund. ('09, c. 49, §3.) [5312.]

Omitted from 1923 and 1927 Statutes by error.

6402-2. Prospect for minerals under waters of meandered lakes and streams—permits and leases—rules and regulations.—The department of conservation, with the approval of the executive council, shall adopt rules and regulations for the issuance of permits to prospect for gold, silver, copper, cobalt, coal, graphite, petroleum, sand, gravel, stone, natural gas and all minerals, excepting iron ore, under the waters of any meandered lake or stream in the state of Minnesota, including that portion of boundary lakes and streams within the boundaries of the state, and for the issuance of leases for the mining and removal of such minerals upon such terms and conditions as such regulations may prescribe. (Jan. 18, 1936, Ex. Ses., c. 42, §1.)

6402-3. Scope of regulations.—It shall be provided in such regulations, among other things:

(a) That no permit to prospect shall be issued for a period to exceed one year;

(b) That each permit shall authorize prospecting only within the area designated therein, which area shall not exceed the limitations upon size prescribed by the regulations;

(c) That at any time prior to the expiration of any such prospecting permit, the holder thereof shall have the right to a lease giving him the exclusive right to mine and remove the minerals specified in such permit within the area specified in such permit; provided, if the regulations adopted hereunder shall permit or prescribe larger areas for permits than for leases, the permit holder shall designate the specific part of the area covered by his permit (not exceeding the limitations upon size of lease areas) upon which he desires a lease;

(d) That the rents, royalties, terms, conditions, and covenants of all such lease shall be prescribed by such regulations prior to the issuance of any permits hereunder;

(e) That no such lease shall be for a longer term than 25 years;

(f) That all rents and royalties paid under such leases shall be paid to the state treasurer on the order of the state auditor and shall be credited to the permanent school funds of the state;

(g) That no minerals shall be removed under such permits until lease has been issued as provided by such regulations, except that, with the approval of the commissioner of conservation, sufficient minerals or ore material may be removed for exploratory or assaying purposes;

(h) That the grantee of such permit or lease, his or their assigns, representatives and successors in interest may be required to secure riparian owners against damage from the use of such lease or permit. (Jan. 18, 1936, Ex. Ses., c. 42, §2.)

6402-4. Commissioner of conservation to issue permits.—The commissioner of conservation, with the approval of the commission, shall issue permits and leases in accordance with such rules and regulations. (Jan. 18, 1936, Ex. Ses., c. 42, §3.)

6402-5. Recording of permits and leases.—All permits and leases, with the names and post office addresses of all parties having an interest, issued by the commissioner of conservation under authority of this law and the regulations adopted hereunder, before delivery, shall be duly recorded at length by the state auditor in his office in the record books to be provided and kept for that purpose, and a certificate of such record, showing the date of record and the book and page thereof, shall be endorsed on each such permit or lease. (Jan. 18, 1936, Ex. Ses., c. 42, §4.)

6402-6. Assignments and contracts—writing—registration.—All assignments and agreements or contracts affecting any such permit or lease shall be made in writing and signed by both parties thereto, witnessed by two witnesses, and properly acknowledged, and shall contain the post office addresses of all parties having an interest; and when so executed, shall be presented to the state auditor for recording. The state auditor shall then record such assignment, agreement, or contract, at length in his office in record books kept and provided for that purpose, and a certificate of such record, showing the date thereof and the book and page, shall be endorsed on the assignment, agreement, or contract, which then shall be returned to the party entitled thereto. (Jan. 18, 1936, Ex. Ses., c. 42, §5.)

6402-7. Approval of instruments by commissioner—recording fees—payment into treasury.—All instruments by virtue of which the title to any permit or lease herein provided for is in any way affected, shall receive as to form and execution, the approval of the commissioners of conservation, which approval shall be endorsed thereon, and such instrument, when so approved, shall be duly recorded as provided in section 5 [§6402-6], hereof. For recording any assignment or other instrument affecting the title to any permit or lease, or for furnishing certified copies of the records, the state auditor shall charge a fee of ten cents per folio. All such fees shall be turned into the state treasury. (Jan. 18, 1936, Ex. Ses., c. 42, §6.)

6402-8. Right of lessee to prospect for minerals.—The holder of any such lease shall have the right to prospect for, mine, and remove any such minerals under the public waters within the area described by such lease. (Jan. 18, 1936, Ex. Ses., c. 42, §7.)

6402-9. Minerals matter of public interest.—The discovery and mining or removing of the minerals described herein under the public waters in the state, is a matter of public interest to the state. (Jan. 18, 1936, Ex. Ses., c. 42, §7.)

6402-10. Forfeiture of permits and leases.—In the event the holder of such permit or lease shall

fail to comply with all the provisions contained therein to be by him performed or observed, and such default shall continue for a period of 30 days, the commissioner of conservation, upon 30 days notice to the holder of such permit or lease by registered mail to the address of such holder as shown by the records of the state auditor, may declare such permit or lease, and all rights acquired thereunder, forfeited. Upon the filing of such order of forfeiture with the state auditor, all rights under such lease or permit shall cease. (Jan. 18, 1936, Ex. Ses., c. 42, §7.)

Act Apr. 26, 1937, c. 488, authorizes extension of terms of certain mining leases on application made within 18 months.

6402-11. Draining of lakes and leasing of ore lands in beds thereof.—That whenever a meandered or public lake does not exceed eighty acres in area, within the original meander line, and is surrounded in part by state land upon which a State Mineral Lease has been issued, and is in force and effect, then such lake, with the approval of the Executive Council, may be drained and the iron ore removed from the bed thereof by the lessee, or its assigns, under such State Mineral Lease, for the purpose of mining iron ore owned by the State underneath the bed of such lake adjoining the lands covered by such State Mineral Lease under the terms and conditions of such State Mineral Lease.

Provided, however, that the royalty payments by the lessee to the State for the ore that shall be removed from such lake bed shall be fixed by the Executive Council and shall be not less than the minimum royalties, provided for in Section 6409 of Mason's Minnesota Statutes for 1927, and the provisions of Sections 6431 and 6432 of Mason's Minnesota Statutes, 1927, shall be applicable; and provided, further, that in case the addition of the lake bed to the area subject to such State Mineral Lease shall increase the area covered by such lease to an area exceeding eighty acres, then the annual ground rental for such enlarged area shall be increased by \$1,000.00, and

Provided, further, that said lessee, or its assigns, shall have the power to institute condemnation proceedings to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations. (Mar. 31, 1937, c. 118, §1.)

Sec. 2 of Act Mar. 31, 1937, cited, provides that the Act shall take effect from its passage.

6403. Permits to prospect for iron and other ores—Leases—Auditor may issue.

Mineral leases may be executed by executive council against land acquired by state under §2139-2. Op. Atty. Gen. (923c-13), June 1, 1937.

6405. Annual sale of permits by Commissioner of Conservation—notice—publication—contents of notice.—A sale of permits may be held annually at the discretion of the Commissioner of Conservation, but for all such sales he shall give public notice of sale of permits by four weekly publications in a daily paper printed and published in each of the cities of Saint Paul, Minneapolis, Duluth, Hibbing, Virginia. The same notice of sales may be published in not to exceed two additional newspapers and two trade magazines as the Commissioner of Conservation may from time to time direct. The last publication above provided for shall be not less than seven days before the first day of June of each year. Said published notice shall contain the following information:

1. Time and place of holding said sales.
2. The general requirements provided by law as to the purchasers of permits.
3. Place where list of lands, arranged in mining units upon which applications for permits to prospect for iron ore may be obtained. ('21, c. 412, §3; '25, c. 395; '27, c. 389, §1; Ex. Sess., Dec. 23, 1933, c. 14, §1.)

Sec. 2 of Act Dec. 23, 1933, cited, provides that the act shall take effect from its passage.

The Conservation Department may not pass sale of iron ore prospecting permits for a year, but must advertise the sale as required by this section. Op. Atty. Gen., Apr. 18, 1933.

Conservation department must advertise sale of permits to prospect for iron ore. Op. Atty. Gen., Apr. 18, 1933.

6407. Rights and duties of permit holders—Prospecting work, etc.

Notice of termination of state mineral contract should be acknowledged in order that it may be recorded. Op. Atty. Gen., Mar. 6, 1933.

6408. Leases to permit holders—Royalties.

A contract between the state and a lessor of school land, assigned by the latter to a third party, held a lease and not a sale of ore in place. Wanless Iron Co., (US CCA8), 75F(2d)779, aff'g 29BTA834. Cert. den. 295US765, 55SCR924.

The lease of public land for the benefit of public schools is the exercise of a function strictly governmental in character. Id.

Income received by sublessee, held subject to federal income tax. Wanless Iron Co., 29BTA, Jan. 23, 1934; Hobart Iron Co., 29BTA, Jan. 23, 1934. Aff'd (USCCA6), 83F(2d)25, aff'g 29BTA855. Cert. den., 299US543, 57SCR26.

6409. Form of lease—Rental and royalties.

See Act Mar. 31, 1937, c. 118.

There is no authority for extending leniency contrary to terms of lease as herein provided. Op. Atty. Gen., May 17, 1933.

6414. Permits to prospect for ores other than iron, etc.

Conservation commissioner has no power to modify lease already executed. Op. Atty. Gen., Dec. 13, 1933.

6428. Contracts for removing ore from under lake beds authorized at minimum royalty of 50 cents per ton.

There is no statutory administrative authority to issue permits to prospect for gold ore beneath public waters. Op. Atty. Gen. (311d-3), Oct. 21, 1935.

6430-1. Executive council may extend contracts.—

Whenever a contract or agreement has been made with the State of Minnesota pursuant to Chapter 110, General Laws 1917 [§§6428 to 6430], and the laws amendatory thereof, covering the bed of a public lake or river, the Executive Council is empowered, upon application of the owner or holder thereof, to extend said contract or agreement for an additional period no greater than the period covered by the terms of the original contract or agreement, where the Executive Council deems such extension necessary or desirable in the public interest. The Executive Council is further empowered to grant a license for such definite term or period as it may determine, to the owner or holder of said contract or agreement, or to any person, co-partnership or corporation having a right to mine any minerals in riparian lands adjacent to those covered by said contract or agreement, to divert the waters from or drain any public lakes or streams in this state as shall by the Executive Council be deemed in the public interest and necessary or desirable either to facilitate a practical carrying out of said contract or agreement or to facilitate the removal of minerals in such aforesaid riparian lands. The Executive Council is further empowered to grant rights of way across or through said lake or stream beds when drained or diverted and the right to construct, maintain and operate, cuts, tunnels, or other engineering works to facilitate mining operations on lands adjacent to the beds of such drained or diverted waters. All rights granted by the Executive Council under the terms of this act shall be assignable. (Act Apr. 21, 1931, c. 286, §1.)

6430-2. Provisions separable.—In case any section, provision or part of this act shall be declared unconstitutional, it shall not in any way affect any other section, provision or part hereof. (Act Apr. 21, 1931, c. 286, §2.)

6430-3. Inconsistent acts repealed.—All other acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified or amended to conform to and give full force and

effect to the provisions of this act. (Act Apr. 21, 1931, c. 286, §3.)

6431. State Auditor may make agreements for weighing ore.

See Act Mar. 31, 1937, c. 118.

6432. Expense paid by lessee.

See Act Mar. 31, 1937, c. 118.

OTHER LANDS

6433-1. Peat lands withdrawn from sale.—All lands now or hereafter owned by the state which are chiefly valuable by reason of deposits of peat in commercial quantities, are hereby withdrawn from sale. (Act Apr. 29, 1935, c. 322, §1.)

6433-2. Commissioner of Conservation to examine land.—Before any state land is offered for sale the Commissioner of Conservation shall cause such land to be examined to determine whether such land is chiefly valuable by reason of deposits of peat in commercial quantities. (Act Apr. 29, 1935, c. 322, §2.)

6433-3. Repeal.—All acts or parts of acts inconsistent herewith are hereby repealed so far as, and only so far as, inconsistent herewith. (Act Apr. 29, 1935, c. 322, §3.)

6434. Lands granted by United States.

Selection of indemnity school lands from lands within national forest and unsurveyed lands or islands. Op. Atty. Gen. (700d-21), May 6, 1937.

6452-1. Reforestation areas to be set off.—For the purpose of vesting and revesting the State with title to lands suitable primarily for the development of forests and prevention of forest fires and for experimenting in and practically advancing afforestation and reforestation, or for the purpose of impounding, controlling and regulating the waters of meandered lakes and the flow of natural streams in the State, or for either or any of such purposes, or for other public state purposes, the board of county commissioners of any county within which such lands are located, and in which on January 1, 1931, the taxes on more than 35 per cent of the taxable land are delinquent and of which on January 1, 1931, the bonded ditch indebtedness, including accrued interest, equals or exceeds nine per cent of the assessed valuation of the county, exclusive of monies and credits, may, by resolution duly adopted, propose to the State of Minnesota that one or more areas in such county, containing such land be taken over by the State for afforestation, reforestation, flood control projects, or other public state purposes, to be managed, controlled and used for the development of forests and prevention of forest fires, and for the purpose of experimenting in and practically advancing afforestation, reforestation, or for the purpose of impounding, controlling and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, on lands to be acquired by the State within such projects as hereinafter set forth. Each such area shall include lands which have been assessed for all or part of the cost of the establishment and construction of public drainage ditches under the laws of this State, and on which such assessments or installments thereof are overdue, delinquent and unpaid. A duly certified copy of each such resolution of the county board shall be submitted to and filed with the Department of Conservation of the State of Minnesota and considered and acted upon by that Department; if approved by that Department, it shall then be submitted to, considered and acted upon by the Executive Council of the State, and if approved by the Executive Council such proposition shall be formally accepted by the Governor and his acceptance shall be communicated in writing to and filed with the county auditor of such county. State lands which have been sold as provided by law, and for which certificates of sale have been issued, shall be considered taxable lands within the meaning of

this section, and if the taxes against such lands or the interest of the purchaser therein are delinquent, shall be considered lands on which the taxes are delinquent within the meaning of this section, until such time as the title of the certificate holder shall have been terminated by the State Auditor in accordance with the provisions of Mason's Minnesota Statutes of 1927, Section 6285. (Act Apr. 25, 1931, c. 407, §1.)

The enacting clause of Act Apr. 25, 1931, c. 407, is as follows:

"Whereas, the laws of the State of Minnesota, in force prior to the year 1925, relating to public drainage ditches authorized the establishment of such ditches upon petitions signed by a small number of property owners, and upon hearings thereon, at which the general taxpayers were not adequately represented, and

Whereas, upon the establishment of each of such ditches it was found and determined by the constituted authorities that the establishment and construction thereof would be a public utility or benefit or would promote the public health, and

Whereas, under such laws, it was mandatory upon the boards of county commissioners and other county officials to issue and sell the general obligation bonds of the county secured by the pledge of the full faith, credit and resources and unlimited taxing powers of such county to the extent necessary to pay the costs of establishment and construction of such ditches, and

Whereas, pursuant to such laws certain counties have heretofore incurred obligations to finance and refinance such ditches upon lands which it now appears were and are not now primarily suitable for agriculture, and the assessments levied upon lands supposedly benefited thereby cannot be collected in a sum sufficient to pay such bonds, and the payment of such bonds by the use of the taxing powers of such counties would result in confiscatory rates such that taxes so levied would not be paid, and

Whereas, default in the payment of such bonds by certain of such counties is imminent, and the general credit of the State of Minnesota and all its political subdivisions and municipal corporations would thereby be damaged, resulting in greatly added interest charges on all public financing for many years to come, and

Whereas, certain lands in such counties will become available for State ownership by reason of delinquent tax liens thereon, and such lands are suitable for State ownership and administration, for use for afforestation, reforestation, flood control projects or other public state purposes, and will produce revenue to assist in relieving the tax burdens and preventing such bonds' default.

Now therefore, be it enacted by the Legislature of the State of Minnesota:

Use of tax forfeited-lands in conservation areas for construction of dam in connection with federal works progress administration, and procedure to be followed to give such land a public status. Op. Atty. Gen. (700a-8), Sept. 28, 1937.

6452-2. Department of conservation to manage areas.—Each of such projects, so approved and accepted, shall be under the management and control of the Department of Conservation, which shall have and is hereby given full power and authority to make, establish, promulgate and enforce all necessary rules and regulations not inconsistent with the laws of the State for the care, preservation, protection and development of forests and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, and for the prevention of forest fires therein, and for the sale of merchantable timber from lands acquired by the State therein when and where, in the opinion of such Department, the same may be sold and removed without damage or injury to the purposes of such project. Such rules and regulations may relate also to the care, preservation, protection, breeding, propagation and disposition of any and all species of wild life therein and the regulation, issuance, sale and revocation of special licenses or special permits for hunting, fishing, camping and other uses of said areas not inconsistent with the terms of this Act or of other laws of the State now or hereafter applicable thereto. The Department may provide for the policing of each of such projects in such manner as may be needful for the proper development, use and protection thereof, and of its purposes, and all supervisors, guards, custodians and caretakers assigned to duty in any such project shall have and

possess the authority and powers of peace officers while in their employment. All lands within the boundaries of any such project shall be subject to such rules and regulations, whether owned by the State or privately, consistent with the rights of such private owners or with the laws of this State now or hereafter applicable thereto. All such rules and regulations shall be published once in one qualified newspaper in each county affected and shall take effect after such publication, and shall be, in addition thereto, posted on the boundaries of each project affected. (Act Apr. 25, 1931, c. 407, §2.)

This section gives department of conservation authority to lease lands classified as suitable for agriculture. Op. Atty. Gen. (700d-28), Aug. 13, 1936.

Department of conservation may make sales of dead and down timber on tax reverted lands within the Red Lake game reserve and other conservation areas, but sales of such timber on other tax reverted lands are made by county auditor subject to certain rights of former owners. Op. Atty. Gen. (700d-31), Aug. 16, 1937.

Department of conservation may lease gravel pit in conservation area on land which is not subject to repurchase due to ditch assessment on land forfeited. Op. Atty. Gen. (525), Nov. 26, 1937.

Structures on tax forfeited lands within state forests may be sold, leased, or razed pursuant to regulations established by commissioner of conservation, at public or private sales, money to be paid into designated funds, and where no designation is made are required to be paid into general revenue fund. Op. Atty. Gen. (700d-21), Aug. 31, 1938.

6452-3. Disposition of proceeds.—The proceeds of all certificates of indebtedness issued under the provisions of this Act, all monies received from redemption as hereinafter provided, all monies received as gifts to the State for the purposes of any such project, and all income which may be received from the operation, development, management and use of such projects, including fees received from such licenses and permits, all income which may be received from the sale of all birds, animals, fish and flora therefrom and from the sale of lands and timber thereon owned by the State within such area, other than university, school and swamp lands, State forest lands set apart pursuant to Section 7 of Article 8 of the Constitution and State lands acquired under the system of rural credits, and all monies of the State which may hereafter be transferred thereto under any law of this State shall be paid into the State Treasury and credited to the project to which the same pertain and same are hereby annually appropriated for the purposes thereof; provided that, under the provisions of this act, the aggregate or total of all certificates of indebtedness issued shall not exceed two million two hundred and fifty thousand dollars. (Act Apr. 25, 1931, c. 407, §3; Apr. 21, 1937, c. 312, §1.)

6452-4. County Auditor to make list of lands.—As soon as practicable after the approval and acceptance of any such project, the county auditor of each county in which the same is situated shall certify to the State Auditor a list of all the lands within the boundaries of said project, except lands lying within the boundaries of any incorporated city or village, which have been bid in for the State at the delinquent tax sale held in the year of 1928 for the nonpayment of taxes or special drainage assessments and not deemed or assigned to an actual purchaser, which certificate shall contain the following information:

A. The legal description of each parcel of such lands.

B. The amount of the principal and interest of delinquent drainage assessments, if any, or installments thereof for all years prior to the date of such report against each such parcel of land.

C. The amount of drainage assessments thereof assessed against each such parcel of land, which have been or are to be extended upon the tax rolls of such county for collection with the taxes for the year of 1927 and subsequent years.

On or before June 15th of each year thereafter such county auditor shall certify to the State Auditor

a supplemental report giving the information contained in said original report covering such lands within each such project bid in for the State at the annual tax sale of that year and not included in the previous reports.

When redemption is made of any parcel of such land within any such project which has been bid in for the State at any tax sale for taxes heretofore levied, or when tax liens on such lands are assigned to an actual purchaser, the County Auditor shall report the same forthwith to the State Auditor, and the County Treasurer shall transmit forthwith the proceeds of such redemption or assignment to the State Treasurer.

Forthwith upon the approval and acceptance of any such project and thereafter, after each distribution has been made of the tax collections on the June and November tax settlements, such County Auditor shall certify to the State Auditor the following information relating to bonds issued to finance or refinance public drainage ditches lying wholly or partly within such projects, and the collection of assessments levied on account of such ditches:

A. The amount of principal and interest to become due on such bonds prior to the next ensuing tax settlement and distribution.

B. The amount of monies collected from such drainage assessments and credited to the funds of said ditches.

C. The amount of the deficit in the ditch fund of said county chargeable to such ditches.

Upon the approval of said certificate by the State Auditor, he shall draw a warrant or warrants on the State Treasurer payable out of the fund pertaining to such project for the amount of said deficit in favor of such county.

As to all public drainage ditches which lie wholly within any such project, the maximum amount of money which shall be paid to or for the benefit of said county in the manner above provided shall never exceed the principal and interest of the bonds issued to finance and refinance such ditches outstanding at the time of the passage and approval of this Act less monies on hand in the county ditch fund to the credit of such ditches, and such liabilities shall be reduced from time to time by the amount of any and all payments of assessments hereafter extended, made by the owners of lands heretofore assessed for benefits on account of such ditches. As to all public drainage ditches which lie partly within and partly without the boundaries of any such project, the maximum amount which shall be paid from the fund pertaining to such project to or for the benefit of such county shall never exceed the percentage of bonds issued to finance and refinance such ditches so outstanding, less monies on hand in the county ditch fund to the credit of such ditches at the time of the passage and approval of this Act, which bears the same proportion to the whole amount of such bonds as the original benefits assessed against lands within the project bear to the original total benefits assessed to the entire system of such ditches, and such liability shall be reduced from time to time by the payments of all assessments hereafter extended, made by the owners of lands within such project of assessments for benefits heretofore assessed on account of any such ditch.

The State Auditor shall have authority to provide and prescribe the forms for any reports required by this Act to be made to him, and to require any further and additional information from any officials of any such county which he deems necessary for the proper administration of this Act. (Act Apr. 25, 1931, c. 407, §4.)

6452-5. State Auditor to sell certificates of indebtedness.—For the purpose of anticipating the annual revenues of the fund pertaining to any such project, the State Auditor is hereby authorized and directed, upon the acceptance and approval of each such proj-

ect, and upon there being certified to him the information relating to bonds contemplated by Section 4 [§6452-4] of this Act, to issue and sell certificates of indebtedness in an aggregate sum not to exceed the maximum amount of money payable to or for the benefit of the county in which such project is located, as prescribed in said Section 4, payable from said fund pertaining to such project, such certificates to be numbered serially and to be of such denominations and bear such dates of issue and of maturity and bear interest at such rate, not exceeding five per cent per annum, as the State Auditor shall determine; provided that none of such certificates of indebtedness shall run beyond the tax settlement dates for the next annual tax levy thereafter to be made by such Auditor, as hereinafter required in anticipation of the collection of which such certificates of indebtedness are issued. Such certificates shall be so issued from time to time as the proceeds thereof are needed for the demands on said fund. The interest on such certificates of indebtedness shall be payable with the principal thereof. Said certificates shall be in such form and upon such terms and conditions, not inconsistent with the terms of this Act as the State Auditor shall determine, shall be signed by the Governor and attested by the State Auditor and shall be sold for not less than par. Such certificates may be purchased by the State Board of Investment for the Permanent School Fund, Swamp Land Fund, Internal Improvement Land Fund or any other trust fund of the State of Minnesota, and shall be deemed "authorized securities" within the provisions of Section 7714, General Statutes, 1923, and Acts amendatory thereof or supplemental thereto. (Act Apr. 25, 1931, c. 407, §5.)

6452-6. State Auditor to make tax levy.—Whenever the State Auditor shall approve a deficiency certificate of the County Auditor as specified in Section 4 [§6452-4] of this Act, he shall compute the portion thereof which will exceed cash on hand in the fund pertaining to any such project available for its payment and shall make an entry in his records that such excess plus the amount required to pay interest on certificates of indebtedness, to be issued to provide money for the payment thereof, is to be extended upon the tax rolls for the next succeeding tax levy, and there is hereby levied for the year in which such entry is made the aggregate of the sums so entered for collection up to the time of the certification of state taxes for such year, and for each year thereafter, until the maximum state liability prescribed by section 4 [§6452-4] hereof has been exhausted, the aggregate of such entries made since the last preceding certification of state taxes, which taxes shall be extended and collected in the same manner as other state taxes, and the proceeds of such levies are hereby appropriated and pledged to the payment of the principal and interest of the certificates of indebtedness issued pursuant to this Act. (Act Apr. 25, 1931, c. 407, §6.)

6452-7. Lands to be held by state.—The title to all parcels of land lying within any such project, except lands lying within the boundaries of any incorporated city or village, which shall be acquired by the State under the provisions of Chapter 119, Laws 1927 [§§2139 to 2139-5], or any amendments thereof, shall be held by the State free from the trust in favor of the taxing districts specified in said chapter, and shall be held and used or disposed of in accordance with the provisions of this Act. (Act Apr. 25, 1931, c. 407, §7.)

6452-8. Auditor to certify to the department of conservation.—Upon receipt by the State Auditor of the reports of the County Auditor specified in Section [§6452-4] 4 hereof, he shall certify a copy thereof to the Department of Conservation which shall classify all such lands as to their suitability for

agriculture or for afforestation, reforestation, or for the purpose of impounding, controlling and regulating the waters of meandered lakes and flow of natural streams, or for other public state purposes; and after the title to any such lands has been acquired by the State in the manner herein provided, such lands may be reclassified from time to time. All such lands which become the absolute property of the State under the provisions of this Act which have been classified as suitable for agriculture, and timber from any lands so acquired, shall be subject to sale by the State as provided by law. (Act Apr. 25, 1931, c. 407, §8.)

Department of conservation has authority to sell lands acquired by state within conservation area which has been classified as suitable for agriculture, such sale to be conducted in substantially same manner as sale of trust fund lands. Op. Atty. Gen. (700d-28), Aug. 13, 1936.

6452-9. Department of conservation to accept gift.

—The Department of Conservation is hereby authorized and empowered to receive for and in behalf of the State, and to make suitable acknowledgments of, any gift, bequest, devise or grants of land or interests in lands in any such project, or of money or personal property of any kind, which it may deem suitable for use in connection with the operation, control, development or use of any or all of such projects. (Act Apr. 25, 1931, c. 407, §9.)

6452-10. Department of conservation to have right of eminent domain.—The Department of Conservation is hereby authorized and empowered to acquire, by exercise of the right of eminent domain, which right is hereby given it, to be exercised in the manner provided in Chapter 41, General Statutes 1923, and any amendments thereof, or by purchase, any lands or interests in lands in any such project which said Department shall deem necessary for State ownership, use or development for the purposes of this Act; provided, however, that no monies shall be used for the purposes specified in this Section until and unless such Department and the State Auditor shall have determined that such monies will not be required to meet the requisitions of the counties authorized under Section 4 [§6452-4] of this Act or for payment of certificates of indebtedness and interest thereon herein provided for. (Act Apr. 25, 1931, c. 407, §10.)

6452-11. [Repealed.]

Repealed Jan. 18, 1936, Ex. Ses., c. 47, §5, post §6452-18. County is not liable for full amount of bonds of a town entirely within a reforestation area, but is only liable for that portion of the bond which bears the same proportion to all bonds of town as last assessed valuation of lands actually owned by state bears to total assessed valuation of township. Op. Atty. Gen. (125a-29), June 25, 1937.

6452-12. Violations a misdemeanor.—Any person who within the limits of any such project shall willfully violate or fail to comply with any rule or regulation of the Department of Conservation adopted and promulgated in accordance with the provisions of this Act shall be deemed guilty of a misdemeanor. (Act Apr. 25, 1931, c. 407, §12.)

6452-13. Provisions separable.—This Act shall be held unconstitutional only in the event that some major provisions of the Act are found unconstitutional and invalid that would make the Act unworkable. If any minor provisions of this Act be held unconstitutional it shall in no way affect or invalidate any other provision or part hereof. (Act Apr. 25, 1931, c. 407, §13.)

6452-14. Counties may assume bonds of towns or school districts in reforestation area.—Any county wherein a state reforestation or flood control project or other public state purposes as created by Laws 1931, Chapter 407 [§§6452-1 to 6452-13], is located may voluntarily assume the obligation to pay the same ratio or proportion of the principal and interest of bonds now outstanding issued before the approval

and acceptance of such project by any school district or town situated in such county lying wholly or partly within such project as the last assessed valuation prior to the acceptance of said project of lands acquired by the state pursuant to Laws 1931, Chapter 407 [§§6452-1 to 6452-13], on July 1, 1936, bears to the total assessed valuation for the same year of such school district or town, such assumption to be evidenced by the adoption of a resolution by the county board of such county authorizing the issuance of bonds for such purpose or otherwise providing for the payment of the principal and interest of the school or town bonds assumed. (Jan. 18, 1936, Ex. Ses., c. 47, §1.)

County is not liable for full amount of bonds of a town entirely within a reforestation area, but is only liable for that portion of the bond which bears the same proportion to all bonds of town as last assessed valuation of lands actually owned by state bears to total assessed valuation of township. Op. Atty. Gen. (125a-29), June 25, 1937.

6452-15. Same—issuance of county bonds—adjustment of debt.—The county board of any such county may by resolution provide for the issuance of bonds for the purpose of assuming the principal and interest of such school district or town bonds, whether matured or not matured, in the manner provided by Laws 1935, Chapter 119 [§§1938-23 to 1938-34], and the county board is authorized to effect agreements for the adjustment of the debt so assumed and the exchange of such county bonds for the bonds so assumed; provided, further, that prior to July 1, 1936, such bonds may be issued in an amount not in excess of 50 per cent of the estimated amount of the principal and interest of such school district or town bonds which are to be assumed by the county, the balance of such bonds to be issued after July 1, 1936. (Jan. 18, 1936, Ex. Ses., c. 47, §2.)

6452-16. Same—validation.—Where the county board of any county has heretofore by resolution directed the issuance of any such bonds, the proceedings so had are hereby legalized and 50 per cent of the bonds so heretofore authorized may be immediately issued for exchange for not less than a like principal amount of the estimated total of the school district or town bonds to be assumed. (Jan. 18, 1936, Ex. Ses., c. 47, §3.)

6452-17. Same—failure to assume and pay—withholding funds.—In the event any such county shall fail or neglect to assume that portion of the school district or town bonds as provided herein, and any such bonds remain unpaid at maturity, upon demand of the governing body of such school district or town, or the holder of any such bonds, the state auditor shall withhold from the payments to be made to such county under the provisions of Chapter 407, Section 4 [§6452-4], the sum necessary to pay such portion and shall pay the same to the treasurer of such school district or town. All monies received by any school district or town pursuant to this act shall be applied solely to the payment of past due bonds and interest. (Jan. 18, 1936, Ex. Ses., c. 47, §4.)

6452-18. Repealer.—Laws 1931, Chapter 407, Section 11, is hereby repealed. (Jan. 18, 1936, Ex. Ses., c. 47, §5.)

STATE PARKS, STATE PUBLIC CAMP GROUNDS AND STATE MONUMENTS

6453. State properties to be known as such.
Management and care of state parks with regulations. Laws 1933, c. 396.

6456. State auditor to promulgate rules.
State may accept deed of land to be used for park purposes only and then apply to legislature to have boundaries of nearby park extended to include such land. Op. Atty. Gen. (330b-4), Oct. 10, 1934.

6459. State parks to be for use of public.
There was no authority and no public necessity for the condemnation of an easement for an electric power line through Jay Cooke State Park. 177M343, 225NW164.

6462. Violation of rules.

There was no authority and no public necessity for the condemnation of an easement for an electric power line through Jay Cooke State Park. 177M343, 225NW164.

6463. State land on meandered lakes to be withdrawn from sale.—All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses and the live timber growing or being thereon hereby are withdrawn from sale.

Of all such land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high water mark being the water side boundary thereof, and the landside boundary thereof being a line drawn parallel to the ordinary high water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and wherever the conformation of the shore line or conditions require, the auditor shall reserve a wider strip for such purposes;

Provided, nevertheless, that any such state lands bordering on or adjacent to the Mississippi River or any such lakes, waters and watercourses in the bottom lands thereof, desired or needed by the United States Government for, or in connection with, any project heretofore authorized by Congress for the improvement of navigation in said river, may be sold by the auditor at public sale according to law, as in other cases, upon application by a fully authorized United States official, setting forth a description of the said land and transmitted with a map showing its location with reference to adjoining properties. (As amended Feb. 14, 1929, c. 21.)

See §6602-68.

It is necessary to reserve a two-rod travel strip on leases of small islands, though diameter does not exceed 50 feet. Op. Atty. Gen., Feb. 24, 1933.

Public is not authorized to use state lands bordering on public waters for night camps or hunting blinds. Op. Atty. Gen., Oct. 2, 1933.

Where lakes have gone dry, state may sell lands or lease them. Id.

Lessees of state lake shore property cannot fence down to the water's edge, but private owners of land on meandered lakes have such right. Op. Atty. Gen. (273c-6), July 2, 1934.

Interest delinquent state trust fund land bordering on meandered lakes and public waters may be sold notwithstanding this section. Op. Atty. Gen. (700d-28), Aug. 17, 1937.

6467-1. Conservation commission to make rules and provide fees for camp sites.—The conservation commission is hereby authorized to make rules and regulations for the use of state parks and charge appropriate fees for such uses as hereinafter specified:

a. Provide special parking space for automobile or other motor driven vehicle in any state park or state recreation area.

b. Provide special parking spurs and camp grounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the following rates per day, which shall include the use of firewood and other facilities provided:

Single motor driven vehicle (Except truck, which shall pay a charge of \$0.50)	\$.25
Motor driven vehicle and tent, trailer coach or other portable shelter	\$.50

(A charge for large trucks and for vans and other equipment shall be made upon a basis of actual space required in comparison with single pleasure motor driven vehicle.)

Motor Truck and/or truck camp coach (Large trucks to be charged according to space required.)	\$.50
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For each additional tent, trailer coach or automobile, when such is a part of the equipment of the same camping party. \$.25

c. Improve and maintain golf courses already established in state parks and may charge not to exceed \$1.50 per day per person using such course.

d. May charge a fee of not to exceed 25c per person over 12 years of age for entrance to any pageant

grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the conservation commission or any other authorized agency. All moneys received from such charges shall be deposited immediately with the state treasurer, who shall deposit the same to the credit of the fund from which the presentation of state park pageants are financed for the sole purpose of defraying a portion of the costs of such production. Whenever it is deemed necessary by the conservation commission for the purpose of better carrying out any such state park pageants, it may stage such pageants in any municipal park or other lands near or adjoining any state park, and all receipts from such pageants shall be used in the same manner as though the pageants were carried on in a state park.

e. Provided water, sewer, and electric service to trailer or tent camp sites and charge not to exceed twenty-five cents (25c) per day. (Apr. 21, 1933, c. 396, §1; Apr. 15, 1935, c. 185, §1; Apr. 24, 1937, c. 437, §1.)

6467-2. Commission may lease camp sites, etc.—The Conservation Commission may lease to duly organized associations or societies, on a percentage basis of not less than ten per cent, rights and privileges for operating any concession for the selling of soft drinks, candies and any other confection, and souvenirs, on holidays or special occasions under such restrictions the Conservation Commission may prescribe. The Conservation Commission may permit persons to sell at specially designated stands or locations on State Parks, souvenirs and other handicraft of their own labor on whatever basis deemed fair and advisable. No other concession, peddling or vending devices shall be permitted except persons may peddle or offer for sale their own agricultural products which do not violate any health or sanitary food regulation of this state. Provided, however, that the state may put in and operate its own vending devices. (Act Apr. 21, 1933, c. 396, §2.)

6467-3. Commission may lease boat livery rights.—The Commission may lease rights and privileges to persons for the operating of boat livery, row boats for hire, canoes and power launches on lakes or streams within or under control and jurisdiction of state parks and may lease mooring privileges for such boats and launches to docks, walls or banks owned or controlled by the State of Minnesota on such lakes or streams, for a regular annual stipulation or on a percentage basis of not more than 10 per cent of the gross receipts. No boat or launch hauling passengers for hire or hauling persons who have in any manner contributed for such ride or hire through prizes, tickets or any other device or means shall receive or discharge passengers on any state docks, walls, banks or on any park property, emergency landing excepted, unless licensed to do so under the terms of this Act. No person shall operate or anchor any boat or launch near any state owned dock or landing in any such manner as to retard free and safe operating of any other boat licensed by the state or otherwise. The Commission may require persons using state docks to carry such liability for personal injury as it may find fair and necessary. (Act Apr. 21, 1933, c. 396, §3.)

Operator of gasoline launch on inland water must obtain permit from state boiler inspector and conservation commission in certain cases. Op. Atty. Gen., Mar. 21, 1934.

Where there is interference with exclusive docking privileges at interstate park, state may bring action for damages for injuries suffered or resort to injunction unless unlicensed person is making landings at a public street running across the park or a canoe portage extends across the park terminating at the river. Op. Atty. Gen. (330a-1), June 10, 1935.

6467-4. Commission may carry on activities.—The Commission may itself conduct and carry on special activities at any state park, including historical pageants of state wide or local interest, or it may lease or grant such privilege to local or state wide his-

torical associations to carry on such celebrations and pageants on whatever term or basis the Commission may see fit. No such activities, celebrations or pageants shall be of such nature as to be inconsistent with good park management and policy and no charges shall be made to any such activities or celebrations and they shall be open to the public subject to laws and rules pertaining to the management of state parks. (Act Apr. 21, 1933, c. 396, §4.)

6467-5. Monies to be deposited with State Treasurer.—Except as otherwise provided by this act, all moneys received and collected within state parks shall be deposited with the State Treasurer, who shall deposit same to the credit of the maintenance and operation fund for state parks and all moneys so deposited are hereby re-appropriated to be used for maintaining and operating the several state parks and all balances from the funds previously appropriated for state park improvement and maintenance are hereby re-appropriated to the state park maintenance and operation fund. (Apr. 21, 1933, c. 396, §5; Apr. 15, 1935, c. 185, §2; Apr. 24, 1937, c. 437, §2.)

All balances and collections should go into general maintenance fund, notwithstanding Laws 1937, c. 382, §6. Op. Atty. Gen. (9a-9), June 1, 1937.

6467-6. Violations a misdemeanor.—Any person violating any of the terms or provisions of this Act shall be guilty of a misdemeanor. (Act Apr. 21, 1933, c. 396, §6.)

6467-7. Forestry division to administer act.—The carrying out of the provisions and terms of this Act shall be under the director of the division of forestry. (Act Apr. 21, 1933, c. 396, §7.)

6467-8. Inconsistent acts repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed. Provided however that this Act shall not supersede or repeal any Act relating to the management of Douglas Lodge. (Act Apr. 21, 1933, c. 396, §8.)

6467-9. Provisions separable.—The provisions of this Act shall be separable and if any provision hereof shall be declared invalid it shall not invalidate any other provision hereof. (Act Apr. 21, 1933, c. 396, §9.)

6472. School houses in state parks.

There was no authority and no public necessity for the condemnation of an easement for an electric power line through Jay Cooke State Park. 177M343, 225NW164.

6473. Certain lands added.

Laws 1933, c. 289, adds certain lands to Itasca State Park.

6487. Leasing of Douglas lodge, Itasca Park, authorized.

Commission of administration of finance has no power to cancel balance of term of existing lease of Douglas Lodge and substitute new and longer lease therefor, but cancellation must be had through the executive council, after which new lease should be supervised and controlled by the commission of administration and finance. Op. Atty. Gen. (930b-31), May 13, 1935.

6491. Minneopa State Park.

Act Ex. Ses., Dec. 23, 1933, c. 9, authorizes the governor to convey certain land in park to cemetery association.

The department of conservation is authorized to acquire a small parcel of land located in the center of the park. Op. Atty. Gen. (203h-8), May 2, 1934.

6493-1. Boundaries of Minneopa State Park.—That the boundaries of Minneopa State Park, as established and created by General Laws 1905, Chapter 297, and as enlarged by General Laws 1909, Chapter 409, and by General Laws 1917, Chapter 157 [§§6491 to 6496], be and the same hereby are enlarged by adding to said park the following land situate in Blue Earth County, Minnesota, to-wit:

Commencing at a point eight hundred thirty-five (835) feet west and ten hundred eighty-seven (1,087) feet south of the northeast corner of section eighteen (18), township one hundred eight (108) north of range twenty-seven (27) west, thence at an angle of

one hundred twenty-two (122) degrees seventeen (17) minutes right (north sixty-three (63) degrees west) seven hundred seventy-two (772) feet to a point on the north side of highway; thence along the north side of highway one hundred fifty-eight (158) degrees thirty-one (31) minutes left (south forty-one (41) degrees forty-five (45) minutes east) three hundred forty-five and 7/10 (345.7) feet, thence thirty-four (34) degrees thirty-six (36) minutes left (south seventy-six (76) degrees thirty (30) minutes east) four hundred seventy-four and 8/10 (474.8) feet; thence one hundred ten (110) degrees thirty-six (36) minutes left (north five (5) degrees forty-five (45) minutes west, twenty-three (23) feet to the place of beginning, containing about one and 24/100 acres of land. (Act Feb. 4, 1931, c. 7, §1.)

6501. Fort Ridgely State Park.

Name changed to Fort Ridgely Memorial State Park, by Laws 1937, c. 126, post, §6508-25.

State may accept deed of land near Fort Ridgely State Park under §6456, and legislature can then extend limits of park to include the land. Op. Atty. Gen. (330b-4), Oct. 10, 1934.

6508-4. Birch Cooley Battle Field State Memorial Park established.—That the northeast quarter (NE ¼) of the southeast quarter (SE ¼) of Section nineteen (19) and the northwest quarter (NW ¼) of the southwest quarter (SW ¼) of Section twenty (20), all in Township one hundred thirteen (113) of Range thirty-four (34) in the county of Renville, be and the same hereby is set apart and established as a state memorial park in commemoration of the heroic deeds and sacrifices of Minnesota's pioneer citizens and her soldiers and sailors of all wars. (Act Mar. 19, 1929, c. 75, §1.)

Name changed to Birch Coulee Memorial State Park by Laws 1937, c. 126, post, §6508-25.

6508-5. Same—Name.—That the name of said park shall be "Birch Cooley Battle Field State Memorial Park," and the same by this act hereby is dedicated to the perpetual use of the people as a public park as a resting place for Minnesota's soldier and sailor dead of all wars, under the restrictions herein contained or which may hereafter be provided by law. (Act Mar. 19, 1929, c. 75, §2.)

6508-6. Same—Commission to be appointed by governor.—That a commission to be known as the Birch Cooley State Memorial Park Commission, comprised of three persons to be appointed by the governor forthwith upon the passage of this act, hereby is created. Upon appointment the commission shall proceed to acquire by gift/or purchase and/or exercise of the power of eminent domain that part of the lands described in Section 1 [§6508-4] hereof not now owned by the state, and to pay therefor such reasonable compensation as may be agreed upon, subject to the approval of the governor. In case said lands or any part thereof cannot be secured for a price which is satisfactory to the commission and the governor, the attorney general hereby is authorized, and fully empowered, upon written request of the commission, to institute and carry on, for and in behalf of and in the name of the state proceedings for the acquisition of the title in fee to said lands or such part thereof, by exercise of the power of eminent domain, in the manner provided by law therefor. (Act Mar. 19, 1929, §3.)

6508-7. Same—Part of park to be cemetery.—That upon final acquisition by the state of the title to said lands and premises the commission shall cause a plat thereof to be made, and a part thereof, suitably located and so situated that its boundaries may be extended as from time to time may be necessary, to be set aside, marked and platted as a cemetery for the burial of Minnesota's soldier and sailor dead of all wars, and the plat or plats thereof to be duly recorded in the office of the register of deeds of Renville county. The portion of said park so set aside, marked

and platted as a cemetery shall be known as the "Minnesota Soldiers' and Sailors' Rest." (Act Mar. 19, 1929, c. 75, §4.)

6508-8. Same—Commission to serve without compensation.—That the members of the commission shall serve without compensation or expenses. The commission shall make full report to the 1931 legislature of its acts and doings hereunder, and following the acquisition of the lands and the completed performance by the commission of its duties as herein prescribed, the department of conservation shall have the care, improvement supervision, control and management of said park. (Act Mar. 19, 1929, c. 75, §5.)

6508-9. Same—Appropriation.—That the sum of \$7,500.00 or so much thereof as may be necessary, available immediately and until the end of the fiscal year ending June 30, 1931, hereby is appropriated out of any moneys in the treasury not otherwise appropriated, to the use of the commission for carrying out the purposes of this act, payable upon itemized vouchers of expenditures approved by the commission. (Act Mar. 19, 1929, c. 75, §6.)

6508-9½. Lake Shetek State Park—Appropriation for additional land.—The sum of \$1,000.00 or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for the purpose of acquiring, by purchase or by condemnation, additional lands not exceeding two acres in area surrounding the public monument erected at Lake Shetek in Murray County, Minnesota, under authority of General Laws 1923, Chapter 149, and for a right of way for a public highway leading from said monument to an improved public highway adjacent thereto, and for the construction and maintenance as a highway of the right of way so acquired. (Act Apr. 20, 1929, c. 269, §1.)

Laws 1923, c. 149, referred to in this section made appropriations for removal of bodies of citizens of Minnesota massacred at Lake Chetek in 1862, for erection of monument, and for acquisition of burial grounds. The act appointed a commission to carry the act into effect.

6508-10. Same—State Auditor to acquire lands.—Said lands shall be acquired and said appropriation expended by the state auditor, who shall, by order made and filed in his office, determine what lands shall be acquired for the purposes herein specified.

In the acquisition of said lands, whether by purchase or by condemnation, consideration shall be given in fixing the compensation to be paid to the owners thereof to the provision in the deed by which D. H. Evans and wife conveyed to the State of Minnesota the lands upon which said monument has been erected, which is to the effect that the said grantors will at all times provide convenient access to said monument site by the state, its agents and servants, and by the public. (Act Apr. 20, 1929, c. 269, §2.)

6508-11. Same—Lands to be State Park.—The lands acquired under authority of this act are, together with the lands heretofore acquired under the provisions of General Laws 1923, Chapter 149, hereby declared to be a state park. (Act Apr. 20, 1929, c. 269, §3.)

6508-12. Same—Custodian.—In the event the legislature shall at its present session enact any law imposing upon an officer, other than the state auditor, the duty of supervising or caring for state parks, then the powers and duties hereby conferred upon the state auditor shall be transferred to and exercised and performed by the officer so charged with the duty of supervising and caring for state parks. (Act Apr. 20, 1929, c. 269, §4.)

6508-13. Sam Brown Memorial Park Commission created.—That a commission to be known as the Sam Brown Memorial Park Commission, comprised of three persons to be appointed by the governor forthwith

upon the passage of this act, hereby is created. Upon appointment the commission shall proceed to acquire for and in the name of the state, by gift and/or purchase and/or exercise of the power of eminent domain, and to pay therefor such reasonable compensation, within the limits of appropriations made available therefor as may be approved by the governor, those certain tracts and parcels of land, with the log cabin and other improvements and structures thereon, situate in the village of Browns Valley, County of Traverse and State of Minnesota, described as follows, to-wit: Beginning at a point on the north side of Broadway, 181 feet west from the southeast corner of Block Four, West Side Addition to the Village of Browns Valley, thence west along said Broadway 100 feet, thence north to the Little Minnesota River, thence easterly along said river to a point due north from the place of beginning, thence due south to the place of beginning, all in the Village of Browns Valley; and beginning at a point 281 feet west from the southeast corner of Block Four of West Side Addition to the Village of Browns Valley, thence west 25 feet, thence north to the south bank of the Little Minnesota River, thence east 25 feet, and thence south to the south line of said Block Four. Also that tract more particularly described as follows: Beginning at a point 225 feet east from the southwest corner of Block Five of West Side Addition to the Village of Browns Valley, thence east 81 feet, thence north to the center of the Little Minnesota River thence west 81 feet, and thence south to the southern line of said Block Five to the place of beginning, in the Village of Browns Valley, Traverse County, State of Minnesota. (Act Apr. 24, 1929, c. 357, §1.)

6508-14. Sam Brown Memorial Park established.—That upon final acquisition of a good and marketable title to said lands and premises, the said area comprising the same be and it hereby is set apart and established as a state memorial park in commemoration of the heroic deeds and sacrifices of Minnesota's pioneers, for the use of and enjoyment by the people. (Act Apr. 24, 1929, c. 357, §2.)

6508-15. Same—Name.—That the name of said park shall be the "Sam Brown Memorial Park." (Act Apr. 24, 1929, c. 357, §3.)

6508-16. Same—Village to pay expense of upkeep.—That upon the acquisition of said park and its improvements as hereinafter provided, the same, with all monuments, markers or other memorials thereon, shall be forever kept, improved, maintained and controlled by and at the expense of the Village of Browns Valley, subject to the general supervision of the department of conservation. (Act Apr. 24, 1929, c. 357, §4.)

6508-17. Same—Commission to repair buildings.—That upon final acquisition of said property and within the limits of appropriations available therefor, the commission shall cause the log cabin thereon to be repaired and placed in condition for permanent preservation, and may place thereon a suitable memorial tablet or inscription. (Act Apr. 24, 1929, c. 357, §5.)

6508-18. Same—To erect monument.—That within such limits the commission may erect or place upon said site a suitable inscribed and protected monument or marker to the memory of Samuel J. Brown. (Act Apr. 24, 1929, c. 357, §6.)

6508-19. Same—Members to serve without compensation.—That the members of the commission shall serve without compensation or expenses. The commission shall make full report to the 1931 legislature of its acts and doings hereunder. (Act Apr. 24, 1929, c. 357, §7.)

6508-20. Same—Appropriation.—That the sum of \$6,500 or so much thereof as may be necessary, available immediately and until the end of the fiscal year ending June 30, 1931, hereby is appropriated out of

any moneys in the treasury not otherwise appropriated, to the use of the commission for carrying out the purposes of this act, payable upon itemized vouchers of expenditures approved by the commission. (Act Apr. 24, 1929, c. 357, §8.)

6508-21. Charles A. Lindbergh State Park—State Auditor to accept park.—The state auditor is hereby authorized to accept on behalf of the State a gift of the following described premises in Morrison County, Minnesota, from Colonel Charles A. Lindbergh and others, to-wit:

Lot One (1) and the Southwest quarter of the northeast quarter of Section 25, Township 129, Range 30;

Lot One (1) of Section 30, Township 129, Range 29;

That part of Lot Nine (9) of Park Outlots to the City of Little Falls (in Section 25, Township 129, Range 30, which is within the following metes and bounds: beginning at the southwest corner of said Lot 9 and from thence follow the south line thereof to the southeast corner thereof, thence north follow to the east line of said lot to a point thereon 175 feet north of the southeast corner, and thence in a southwesterly direction in a straight line to the point of beginning, containing nearly three quarters of an acre in the southeast corner of said Lot 9;

Exempting therefrom, however, all flowage rights and grants of record. (Act Mar. 12, 1931, c. 53, §1.)

6508-22. Same—Name.—When proper conveyance have been delivered to the state, vesting in the state title thereto, said property shall constitute a state park to be known as "Charles A. Lindbergh State Park," and shall remain dedicated to the perpetual use of the people of the state under such restrictions as may be provided by law. (Act Mar. 12, 1931, c. 53, §2.)

6508-23. Same—State Auditor to supervise park.—The general care, supervision and control of said state park shall be vested in the state auditor. (Act Mar. 12, 1931, c. 53, §3.)

Sec. 4 makes an appropriation for maintenance.

6508-24. The Old Crossing—Executive council to accept lands.—The Executive Council is hereby authorized to accept in behalf of the State of Minnesota, a deed of conveyance to Lot One (1), Section thirty-three (33), Township One Hundred fifty-one (151), North of Range Forty-five (45) West of the Fifth Principal Meridian, Red Lake County, Minnesota, and upon which property the United States Government, pursuant to Act of Congress approved January 31st, 1931, is to erect a monument and historical tablet on the banks of the Red Lake River at the place known as The Old Crossing, to commemorate the signing of a treaty on October 2nd, 1863, between the United States of America and the Chippewa Indians. (Act Apr. 20, 1931, c. 235.)

6508-25. Change in names of certain state parks.—The following changes in official designation of certain state park areas are hereby made, in order that the official name may more fully designate the type of area:

The name of the park now commonly known as Birch Coulee State Park is hereby changed to Birch Coulee Memorial State Park. That the name of the park now commonly known as Camp Release State Park is hereby changed to Camp Release Memorial State Wayside. That the name of the park now commonly known as Chippewa Lac Qui Parle Park is hereby changed to Chippewa Mission Memorial State Wayside. That the name of the park now known and designated as Fort Ridgely State Park is hereby changed to Fort Ridgely Memorial State Park. That the name of the park now commonly known as Garvin Heights Park is hereby changed to Garvin Heights Scenic State Wayside. That the name of the park now commonly known as Traverse des Sioux is here-

by changed to Traverse des Sioux Memorial State Wayside. (Mar. 31, 1937, c. 126, §1.)

Sec. 2 of Act Mar. 31, 1937, provides that the act shall take effect from its passage, and repeals all inconsistent laws.

6508-26. Park at Oronoco created.—That the town of Oronoco in Olmsted County, Minnesota, is hereby authorized and directed to acquire by purchase or by condemnation in the name of the state the following described tract or parcel of land lying and being in the County of Olmsted and State of Minnesota, to-wit:

The East Half of the Southeast Quarter of the Southeast Quarter of Section Seven in Township One Hundred Eight North of Range Fourteen West,

together with that part of the West Eighty-five acres of the Southwest Quarter of Section Seven in said township essential for the purpose of flowage rights that may be within the line of overflow of the waters of the proposed dam now under construction, and more particularly that part thereof beginning at a point on the west side of Minnesota Street in the village of Oronoco where the same intersects with the Zumbro River. (Apr. 26, 1937, c. 445, §1.)

6508-27. Shall be known as Oronoco Park.—That the above described lands, when acquired, shall constitute a park to be known as "Oronoco Park" and shall forever remain for the perpetual use of the people of the state as a park, under such restrictions as may be provided by law. (Apr. 26, 1937, c. 445, §2.)

6508-28. Appropriation.—That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$7,500 or so much thereof as may be necessary for the acquisition of said lands. (Apr. 26, 1937, c. 445, §3.)

6508-29. Areas designated as state parks.—The following described areas purchased by the Executive Council to provide work for unemployment relief, and developed primarily for recreational purposes are hereby set aside for the perpetual use of the people as state parks and state recreation reserves, to be administered by the Department of Conservation as such, under all the rules and regulations governing same, and are hereby given the following designations:

(a) Beaver Creek Valley State Park, located in Houston County, and described as follows:

The west 330 feet of the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and the southeast quarter of the northwest quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), and the east half of the southwest quarter of the northwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the west half of the southeast quarter of the northwest quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), and the west three-quarters of the northeast quarter of the southwest quarter (W $\frac{3}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), and the east half of the southwest quarter of the southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), and the west half of the southeast quarter of the southwest quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$), all of the above described lands being in Section 8, Township 102 north, Range 6 west.

Also, the northeast quarter of the northwest quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), and the northeast quarter of the northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17.

Also, that part of the northeast quarter (NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), more particularly described as follows: Commencing at the southeast corner of the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), thence running north on the east line of said northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), a distance of 300 feet; thence northwesterly 1075 feet to a point in the east and west quarter line of Section 17, 960 feet east of the southwest corner of the southeast

quarter of the northeast quarter (SE¼ NE¼); thence northwesterly on the projection of the above described line 600 feet; thence in a straight line to the northwest corner of the southeast quarter of the northeast quarter (SE¼ NE¼); thence northwesterly to a point 660 feet east and 880 feet south of the north quarter corner of Section 17; thence north 880 feet to the north line of Section 17, thence west 660 feet to the north quarter corner of Section 17; thence south along the north and south quarter line of Section 17 to a point 440 feet south of the southwest corner of the northwest quarter of the northeast quarter (NW¼ NE¼); thence east 495 feet, thence south 220 feet, thence east to the east line of the southwest quarter of the northeast quarter (SW¼ NE¼); thence south along the said east line to the east and west quarter line; thence east 330 feet; thence south to the south line of the northeast quarter of the southeast quarter (NE¼ SE¼); thence east to the point of beginning. All of the above described lands lying in Section 17, Township 102 north, Range 6 west.

Containing 304.17 acres more or less.

(b) Buffalo River State Park, located in Clay County, and described as follows:

The east 330 feet of the southeast quarter of the southeast quarter (SE¼ SE¼) of Section 10, Township 139 north range 46 west.

Also, the southwest quarter of the southwest quarter (SW¼ SW¼) and the southeast quarter of the southeast quarter (SE¼ SE¼) of Section 10, Township 139 north, Range 46 west.

Also, commencing at the northeast corner of the southeast quarter of the southwest quarter (SE¼ SW¼), thence running north 700 feet along the north and south quarter line of said Section 11; thence westerly parallel to the south line of said Section 11 a distance of 500 feet; thence south parallel to the north and south quarter line of Section 11 to the north line of said southeast quarter of the southwest quarter (SE¼ SW¼) of Section 11; thence east along the north line of said southeast quarter of the southwest quarter (SE¼ SW¼) to the place of beginning.

Also, that part of the southeast quarter (SE¼) of Section 11 described as follows: Commencing at the northeast corner of the southeast quarter of the southwest quarter (SE¼ SW¼), thence running north along the north and south quarter line of Section 11 a distance of 700 feet; thence east parallel to the south line of said Section 11 a distance of 600 feet; thence south parallel to said north and south quarter line of said Section 11 to a point 100 feet south of the south sixteenth line of Section 11; thence west parallel to the south line of said Section 11 to a point 200 feet east of the north and south quarter line of said section 11; thence south parallel to said north and south quarter line a distance of 720 feet; thence west parallel to the south line of Section 11 a distance of 200 feet more or less to the north and south quarter line; thence north along the north and south quarter line to the place of beginning.

Also, a tract of land in the northwest quarter (NW¼) of Section 14, Township 139 north, Range 46 west, described as follows: Commencing at the northwest corner of Section 14, thence east along the north line of said Section 14, to a point 500 feet east of the west sixteenth line of said Section 14; thence south parallel to the west line of said Section 14 a distance of 250 feet; thence west parallel to the north line of said section 14 to the west line of said Section 14; thence north along the west line of said Section 14 to the point of beginning.

Containing 122 acres more or less.

(c) Cottonwood River State Park, located in Brown County, and described as follows:

Commencing at the southwest corner of Section 33, Township 110 north, Range 30 west; thence south thirty-four degrees five minutes west (S34°5' W) a distance of 119.5 feet; thence south thirty-five degrees eighteen minutes thirty seconds west (S 35°18'30" W)

886.4 feet; thence south fourteen degrees nineteen minutes thirty seconds east (S 14°19'30" E) 388.7 feet; thence south sixty degrees thirty-four minutes west (S 60°34' W) 593.4 feet; thence south sixty-six degrees fifty-one minutes west (S66°51' W) 194.25 feet; thence south seven degrees fifty-six minutes east (S 7°56' E) 535.5 feet; thence south five degrees fifty-five minutes thirty seconds west (S 5°55'30" W) 405.28 feet; thence south sixty-one degrees twenty-four minutes ten seconds west (S 61°24'10" W) 231.1 feet, said point being 1254 feet west of the east quarter corner of the east and west quarter line; thence west 398.6 feet along said east and west quarter line; thence north one degree eight minutes east (N 1°8' E) 556.4 feet; thence north sixty-two degrees eighteen minutes thirty seconds west (N 62°18'30" W) 222.74 feet; thence south forty-eight degrees thirty-eight minutes thirty seconds west (S 48°38'30" W) 123.3 feet; thence north seventy degrees fifty-one minutes thirty seconds west (N 70°51'30" W) 324.7 feet; thence north fifty-four degrees forty-nine minutes thirty seconds west (N 54°49'30" W) 410.05 feet; thence north sixty-eight degrees thirty-two minutes fifty-five seconds west (N 68°32'55" W) 694.37 feet; thence north seventeen degrees fifty-nine minutes thirty-five seconds east (N 17°59'35" E) 557.8 feet; thence north sixty-two degrees fifty minutes fifty minutes fifty seconds west (N 62°50'50" W) 1341.37 feet; thence north fifty-six degrees twenty-three minutes thirty seconds west (N 56°23'30" W) 510.47 feet; said point being on the north line of Section 5 a distance of 515.19 feet east of the northwest corner thereof; thence north parallel to the west line of Section 32 a distance of 674 feet; thence northwesterly to a point in the south sixteenth line of Section 31, said point being 250 feet west of the east line of said Section 31; thence west along said south sixteenth line of Section 31 to the east sixteenth line of said Section 31; thence north along the east sixteenth line a distance of 330 feet; thence west parallel to the south line of said Section 31 to the north and south quarter line of said Section 31; thence north along the north and south quarter line of said Section 31 and the north and south quarter line of Section 30 to the northwest corner of Outlot No. 257 of the City of New Ulm; thence northeasterly to the northeast corner of said Outlot No. 257; thence northwesterly to the northeast corner of Outlot No. 258 of the City of New Ulm; thence southwesterly to the southwest corner of Sub-lot "A" of Outlot No. 259 of Block 11, Koch's First Addition to the City of New Ulm; thence north nineteen degrees forty minutes west (N 19°40' W) a distance of 56 feet; thence north seven degrees fourteen minutes east (N 7°14' E) a distance of 300 feet; thence north forty-three degrees fifteen minutes east (N 43°15' E) a distance of 259 feet; thence north sixty-three degrees one minute east (N 63°1' E) a distance of 65.5 feet; thence north fifty-four degrees thirty-four minutes east (N 54°34' E) a distance of 67 feet; thence north thirty-one degrees sixteen minutes east (N 31°16' E) a distance of 58 feet; thence north five degrees twenty-five minutes east (N 5°25' E) a distance of 56 feet; thence north twelve degrees twenty-eight minutes west (N 12°28' W) a distance of 54 feet; thence north nineteen degrees thirty-eight minutes east (N 19°38' E) a distance of 324 feet; thence north thirty-eight degrees forty-three minutes east (N 38°43' E) a distance of 88 feet; thence north fifty-eight degrees forty-nine minutes east (N 58°49' E) a distance of 113.5 feet; thence north seventy-two degrees seven minutes east (N 72°7' E) a distance of 86.8 feet; thence north sixty-three degrees three minutes east (N 63°3' E) a distance of 79.5 feet; thence south eleven degrees east (S 11° E) a distance of 301.5 feet; thence north sixty-nine degrees eighteen minutes east (N 69°18' E) a distance of 124.58 feet; thence north eighty-five degrees thirty-two minutes east (N 85°32' E) a distance of 279.98 feet; thence

north eighty-nine degrees thirty minutes east (N 89° 30' E) a distance of 137.27 feet; thence south sixty-six degrees three minutes east (S 66° 3' E) a distance of 95.54 feet; thence south sixty-three degrees twenty-six minutes east (S 63° 26' E) a distance of 93.02 feet; thence south fifty-five degrees thirty minutes west (S 55° 30' W) a distance of 208.8 feet to the southwest corner of Lot 6, Block 1, of Koch's Second Addition to the City of New Ulm; thence south thirty-four degrees thirty-six minutes east (S 34° 36' E) along the east line of Outlot No. 279 to the City of New Ulm to the northwesterly corner of Lot 4, Block 1, of Koch's Second Addition to the city of New Ulm; thence north fifty-five degrees thirty minutes east (N 55° 30' E) a distance of 243.8 feet; thence south forty-eight degrees twelve minutes east (S 48° 12' E) a distance of 112 feet; thence south forty-three degrees forty-eight minutes east (S 43° 48' E) a distance of 155.68 feet; thence south fifty degrees twenty-two minutes west (S 50° 22' W) a distance of 295.15 feet; thence south thirty-four degrees thirty-six minutes east (S 34° 36' E) a distance of 33.1 feet; thence north fifty-nine degrees seven minutes east (N 59° 7' E) a distance of 253.35 feet; thence south fifty-one degrees nine minutes ten seconds east (S 51° 9' 10" E) a distance of 272.79 feet; thence south twenty-three degrees twenty-seven minutes fifty-five seconds east (S 23° 27' 55" E) a distance of 288.1 feet; thence south eleven degrees eleven minutes fifty seconds east (S 11° 11' 50" E) a distance of 190.9 feet; thence south fifty-two degrees forty-seven minutes five seconds east (S 52° 47' 5" E) a distance of 114.38 feet; thence south twenty-six degrees thirty-two minutes forty-five seconds east (S 26° 32' 45" E) a distance of 282.05 feet; thence south thirteen degrees forty-six minutes five seconds east (S 13° 36' 5" E) a distance of 320.2 feet; thence south twenty-three degrees twenty-one minutes fifty seconds east (S 23° 21' 50" E) a distance of 288.84 feet; thence south sixteen degrees ten minutes twenty seconds east (S 16° 10' 20" E) a distance of 255.99 feet; thence northeasterly along the north line of Outlot 293 to the City of New Ulm to the northeast corner of said Outlot 293; thence southeasterly along the westerly line of Highland Avenue to the intersection of the north line of Outlot to the City of New Ulm produced westerly across said Highland Avenue; thence northeasterly along the north line of said Outlot 302 to the northeast corner thereof; thence southeasterly to the northwest corner of Outlot 359 to the City of New Ulm; thence northeasterly along the north line of said Outlot 339 to the northwest corner of Sub-lot "A" of said Outlot 339; thence south fifty degrees fourteen minutes east (S 50° 14' E) a distance of 147.5 feet; thence north fifty-five degrees thirty minutes east (N 55° 30' E) a distance of 180 feet; thence north thirty-four degrees thirty minutes west (N 34° 30' W) a distance of 71 feet; thence north fifty-five degrees thirty minutes east (N 55° 30' E) a distance of 214 feet to the west line of Summit Avenue; thence south thirty-four degrees thirty minutes east (S 34° 30' E) along the west line of said Summit Avenue to the southeast corner of said Outlot 339; thence southwesterly to the southwest corner of said Outlot 339; thence south fifty-one degrees thirty-three minutes thirty seconds west (S 51° 33' 30" W) a distance of 280.04 feet; to a point in the north and south quarter line of Section 32, said point being 878.79 feet north of the center of said Section 32; thence south fifty-one degrees thirty-three minutes thirty seconds west (S 51° 33' 30" W) a distance of 285.02 feet; thence south fourteen degrees six minutes thirty seconds west (S 14° 6' 30" W) a distance of 122.9 feet; thence south thirty-nine degrees forty-eight minutes thirty seconds west (S 39° 48' 30" W) a distance of 206.8 feet; thence south fifty-six degrees eleven minutes thirty seconds west (S 56° 11' 30" W) a distance of 206.8 feet; thence south sixty-nine degrees twenty-nine minutes thirty seconds west (S 69° 29' 30" W) a distance of 235 feet; thence south fifteen degrees thirty-four minutes thirty

seconds west (S 15° 34' 30" W) a distance of 103 feet thence south twenty-eight degrees fifty minutes thirty seconds east (S 28° 50' 30" E) a distance of 374 feet; thence south thirty-three degrees twenty-eight minutes thirty seconds west (S 33° 28' 30" W) a distance of 110 feet; thence south twenty-six degrees forty-five minutes thirty seconds east (S 26° 45' 30" E) a distance of 171 feet; thence south thirteen degrees ten minutes thirty seconds east (S 13° 10' 30" E) a distance of 318 feet; thence south forty-five degrees east (S 45° E) a distance of 230.84 feet; thence south ninety degrees east (S 90° E) a distance of 515.72 feet; thence south eighty-two degrees eighteen minutes thirty seconds east (S 82° 18' 30" E) a distance of 218 feet; thence south forty-nine degrees fifty-three minutes thirty seconds east (S 49° 53' 30" E) a distance of 160 feet; thence south forty-nine degrees thirty-four minutes thirty seconds east (S 49° 34' 30" E) a distance of 226 feet; thence south forty degrees twenty-eight minutes thirty seconds east (S 40° 28' 30" E) a distance of 386 feet; thence south fifty-four degrees fifty-six minutes thirty seconds east (S 54° 56' 30" E) a distance of 353 feet; thence north seventy-four degrees sixteen minutes thirty seconds east (N 74° 16' 30" E) a distance of 125 feet; thence north twenty degrees two minutes thirty seconds east (N 20° 2' 30" E) a distance of 142 feet; thence north thirty degrees fifty-four minutes thirty seconds east (N 30° 54' 30" E) a distance of 116 feet; thence north nine degrees seven minutes thirty seconds east (N 9° 7' 30" E) a distance of 245 feet; thence north forty-five degrees fifty minutes thirty seconds west (N 45° 56' 30" W) a distance of 225 feet; thence north seventy-five degrees forty-one minutes twenty seconds east (N 75° 41' 20" E) a distance of 959.9 feet; thence south thirty-five degrees east (S 35° E) a distance of 132 feet; thence north seventy-nine degrees eighteen minutes east (N 79° 18' E) a distance of 185.85 feet to a point on the east line of Section 32 distant 775.76 feet south from the east quarter corner of said Section 32; thence north eighty-five degrees thirty minutes east (N 85° 30' E) a distance of 429 feet; thence south fifty-two degrees east (S 52° E) a distance of 107.3 feet; thence north seventy-eight degrees thirty minutes east (N 78° 30' E) a distance of 52 feet to a point in the Big Cottonwood River on the east line produced north of Outlot 410 to the City of New Ulm; thence south along the east line of said Outlot 410 to the north line of Outlot 407 to the City of New Ulm; thence east along the north line of said Outlot 407 to the northeast corner thereof; thence south seventy-six degrees thirty-six minutes west (S 76° 36' W) a distance of 506.41 feet; thence south thirty-five degrees forty-two minutes ten seconds west (S 35° 42' 10" W) a distance of 114.41 feet to a point in the north line of Outlot 401 to the City of New Ulm distant 30 feet east from the northwest corner thereof; thence west to the northwest corner of said Outlot 401; thence south forty-three degrees forty-four minutes fifteen seconds west (S 43° 44' 15" W) a distance of 126.08 feet; thence south eighteen degrees fifty-four minutes fifteen seconds west (S 18° 54' 15" W) a distance of 332.35 feet; thence south seven minutes thirty seconds east (S 7' 30" E) a distance of 59.08 feet; thence north eighty-nine degrees fifty-two minutes thirty seconds east (N 89° 52' 30" E) a distance of 193.12 feet to the east line of Section 32; thence south along the east line of Section 32 a distance of 340 feet more or less to the point of beginning.

All of the above described land lying in Sections 29, 30, 31, 32, and 33, Township 110 north, Range 30 west of the fifth principal meridian, and in Section 5, Township 109 north, Range 30 west of the fifth principal meridian, and containing 805.81 acres more or less.

(d) Lake Shetek State Park, located in Murray County, and described as follows:

That portion of Section 6, Township 107 north, Range 40 west, and Section 31, Township 108 north,

Range 40 west, described as follows: Commencing at the intersection of the north and south quarter line and the meander line of Lake Shetek in Section 31, said point being the northeast corner of Government Lot 2, thence south to a point 590 feet south of the north line of Section 6 on the north and south quarter line of said Section 6; thence north ninety degrees west (N 90° W) a distance of 640 feet; thence south forty-five degrees nineteen minutes west (S 45°19' W) a distance of 429.79 feet; thence south twenty-nine degrees twenty-three minutes west (S 29°23' W) a distance of 341.85 feet; thence south seven degrees thirty-seven minutes east (S 7°37' E) a distance of 263.67 feet; thence south five degrees twelve minutes west (S 5°12' W) a distance of 345.39 feet; thence south sixty-eight degrees forty-two minutes east (S 68°42' E) a distance of 534.55 feet; thence south sixty-four degrees forty-three minutes east (S 64° 43' E) a distance of 685.22 feet; thence south fifty degrees two minutes east (S 50°2' E) a distance of 262.93 feet; thence south eighteen degrees thirty seven minutes east (S 18°37' E) a distance of 273.49 feet; thence south eighty degrees sixteen minutes east (S 80°16' E) a distance of 312.38 feet; thence south forty degrees fifty-eight minutes east (S 40°58' E) a distance of 393.48 feet; thence south four degrees nine minutes west (S 4°9' W) a distance of 796.7 feet; thence south four degrees twenty-one minutes west (S 4°21' W) a distance of 69.48 feet; to a point on the north right-of-way line of the Shetek Monument Site road, said point being 1405.16 feet south and 1839.2 feet west of the east quarter corner of said Section 6; thence north eighty-nine degrees twenty-seven minutes west (N 89°27' W) a distance of 62.24 feet; thence north four degrees twenty-one minutes east (N 4°21' E) a distance of 75.08 feet to the north line of the Shetek Monument Site; thence north eighty-five degrees thirty-nine minutes west (N 85° 39' W) a distance of 435 feet more or less to the meander line of Lake Shetek; thence northerly, westerly, northerly, and easterly along the shore of Lake Shetek to the point of beginning.

Also, that piece of land known as Loon Island lying in Section 31, Township 108 north Range 40 west, and in Section 36, Township 108 north, Range 41 west, and in Section 1, Township 107 north, Range 41 west.

Also, Government Lot 2 in Section 36, Township 108 north, Range 41 west, and Government Lot 3 in Section 1, Township 107 north, Range 41 west. The above described property is part of a tract of land known as Keeley Island.

Also a strip of land in the north half (N½) of Section 1, Township 107 north, Range 41 west, lying 33 feet on either side of the following described line: Commencing at a point 3201.75 feet east and 210.99 feet south of the northwest corner of said Section 1, thence north eighty-nine degrees fifty minutes west (N 89°50' W) a distance of 325 feet; thence on an eight degree (8°) curve to the left with a central angle of nineteen degrees twenty-three minutes (19° 23') a distance of 243.2 feet; thence south seventy degrees forty-seven minutes west (S 70° 47' W) a distance of 53.68 feet; thence on a fourteen degree thirty minute (14°30') curve to the right with a central angle of fifty-five degrees ten minutes (55° 10') a distance of 280.4 feet; thence north fifty-four degrees three minutes west (N 54°3' W) a distance of 350 feet more or less to the north line of said Section 1.

Containing 180.62 acres more or less.

(e) Monson Lake Memorial State Park, located in Swift County, and described as follows:

The south fifty (50) acres of Government Lot 1, Section 36, Township 122 north, Range 37 west.

Also, Government Lots 1, 2, and 3 of Section 1, Township 121 north, Range 37 west, and that part of Government Lot 4, Section 2, Township 121 north, Range 37 west, lying north of the east and west quar-

ter line of said Section 2, excepting therefrom the following described parcel of land, to-wit: Commencing at a point nine rods west from the quarter post between Sections 1 and 2; thence west twenty-eight rods; thence north eleven rods; thence east twenty-eight rods; thence south eleven rods to the point of beginning.

Containing 198.95 acres more or less.

(f) Mound Springs Recreation Reserve, located in Rock County, and described as follows:

Parcels of land in Section 13 and Section 24, Township 103 north, Range 45 west, more particularly described as follows: Commencing at the southwest corner of said Section 13, thence north along the west line of said Section 13 to a point 140 feet north of the west quarter corner of said Section 13; thence east parallel to the east and west quarter line of said Section 13 a distance of 1485 feet; thence south to the east and west sixteenth line in the southwest quarter (SW¼) of said Section 13; thence west along said sixteenth line 165 feet to the north and south sixteenth line in said southwest quarter (SW¼); thence south-westerly to a point on the south line of said Section 13, 1000 feet east of the southwest corner thereof; thence east along said south line 2597.5 feet; thence southeasterly on a line which runs through a point on the west line of the northeast quarter of the northeast quarter (NE¼ NE¼) of said Section 24, said point being 1183.6 feet north of the southwest corner of said northeast quarter of the northeast quarter (NE¼ NE¼) 1201.7 feet, more or less, to the westerly right-of-way line of the Rock Island and Pacific Railroad; thence southwesterly along said right-of-way line 1562.5 feet; thence west 212 feet, more or less, to a point on the east sixteenth line of said Section 24, 565.75 feet south of the north sixteenth of said Section 24; thence northwesterly to a point 330 feet east and 330 feet south of the northwest corner of said Section 24; thence north 330 feet to the north line of said Section 24; thence west to the point of beginning.

Containing 194.90 acres more or less.

(g) Pomme de Terre Recreation Reserve, located in Stevens County, and described as follows:

Parcels of land in the west 660 feet of the southwest quarter (SW¼) of Section 31, Township 125 north, Range 41 west, and the east 660 feet of the southeast quarter (SE¼) of Section 36, Township 125 north, Range 42 west, and the east 660 feet of the northwest quarter (NW¼), and the west 1,000 feet of the northeast quarter (NE¼), and the north half of the southwest quarter (N½ SW¼) and the southeast quarter of the southwest quarter (SE¼ SW¼) and the west 1000 feet of the northwest quarter of the southeast quarter (NW¼ SE¼) of Section 1, Township 124 north, Range 42 west.

Also, a triangular tract in the southwest quarter of the southwest quarter (SW¼ SW¼) of said Section 1, described as follows: Commencing at the northeast corner of said southwest quarter of the southwest quarter (SW¼ SW¼); thence south along the east line of said southwest quarter of the southwest quarter (SW¼ SW¼) 815 feet; thence northwesterly to a point on the north line of said southwest quarter of the southwest quarter (SW¼ SW¼), 200 feet east of the northwest corner thereof; thence east to the point of beginning.

Also, a triangular tract in the southwest quarter of the southeast quarter (SW¼ SE¼) of said Section 1, more particularly described as follows: Commencing at the south quarter corner of said Section 1, thence north along the north and south quarter line of said Section 1 to the south sixteenth line of said Section 1; thence east along said sixteenth line 1000 feet; thence southwesterly to the point of beginning.

Also, a parcel of land in the northeast quarter of the northwest quarter (NE¼ NW¼) of Section 12, Township 124 north, Range 42 west, more particularly described as follows: Commencing at the northeast corner of said northeast quarter of the northwest

quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); thence south along the east line thereof 500 feet; thence south seventy-four degrees forty minutes west (S 74°40' W) 752 feet; thence northwesterly to a point which is 1260 feet west and 500 feet south of the north quarter corner of said Section 12; thence north 500 feet to the north line of said Section 12; thence east along said north line to the point of beginning.

Excepting therefrom all public highways;

Containing 363.51 acres more or less.

(h) Split Rock Recreation Reserve, located in Pipestone County, and described as follows:

A parcel of land in Sections 15 and 22, Township 105 north, Range 46 west, more particularly described as follows: Commencing at a point 380 feet south and 33 feet east of the northwest corner of said Section 22; thence east parallel to the north line of said Section 22, 1000 feet; thence northeasterly to a point on the west sixteenth line of said Section 22, which point is 50 feet south of the north line of said Section 22; thence north to said north line; thence east along said north line to the north quarter corner of said Section 22; thence north forty-two degrees east (N 42° E) 908 feet; thence northwesterly to a point on the north and south quarter line of said Section 15, 890 feet north of the south quarter corner of said Section 15; thence north along said quarter line to the south sixteenth line of said Section 15; thence west along said sixteenth line 520 feet; thence northwesterly to the east and west quarter line and the west sixteenth line of said Section 15; thence east along said east and west quarter line to a point 2120 feet east of the west line of said Section 15; thence north parallel to said west line 1097.25 feet; thence west parallel to the north line of said Section 15, 267 feet; thence northwesterly to a point which is 92 feet south and 33 feet east of the northwest corner of said Section 15; thence south parallel to and 33 feet east of the west line of said Sections 15 and 22 to the point of beginning.

Excepting therefrom a tract of land described as follows: Commencing at a point 597 feet south and 33 feet east of the northwest corner of said Section 15, thence east 90 feet; thence southeasterly to a point 664 feet south and 275 feet east of the northwest corner of said Section 15; thence south 160 feet, thence west 242 feet; thence north to the place of beginning.

Containing 227.64 acres more or less.

(i) Two Rivers State Park, located in Kittson County, and described as follows:

Beginning at a point on the west line of the southwest quarter (SW $\frac{1}{4}$) of Section 34, Township 161 north, Range 46 west, that is 660 feet north of the southwest corner thereof; thence northeasterly to the northeast corner of said southwest quarter (SW $\frac{1}{4}$); thence west along the north line of said southwest quarter (SW $\frac{1}{4}$); thence south along the west line of said southwest quarter (SW $\frac{1}{4}$) to the place of beginning.

Also, the south half of the northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 34.

Also, the south half of the northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and all of the southeast quarter (SE $\frac{1}{4}$) and all of the southwest quarter (SW $\frac{1}{4}$) of Section 33.

Also, a triangular piece of land in the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, described as follows: Commencing at the center of Section 33, thence west along the east and west quarter line 660 feet; thence northeasterly to a point on the north and south quarter line distant 660 feet from the center of Section 33; thence south along the north and south quarter lines to the place of beginning.

Also, all of the southeast quarter (SE $\frac{1}{4}$) of Section 32.

The above described land being in Township 161 north, Range 46 west.

Also, that portion of Section 5, Township 160 north, Range 46 west, lying north of the right-of-way of the present trunk highway No. 59.

Containing 711.76 acres more or less.

(j) Gooseberry Falls State Park, located in Lake County and described as follows:

The south half of the northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and south half of the northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 22, Township 54 north, Range 9 west;

Lot 2 of Section 22, Lot 1 of Section 27; northeast quarter of southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, and southwest quarter (SW $\frac{1}{4}$), northeast quarter of southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) (Lot 1) and west half of southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of section 22, and north half of the northwest quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 27, all in Township 54, north Range 9 west.

Containing 637.83 acres more or less. (Apr. 26, 1937, c. 474, §1.)

6508-30. No state appropriations.—The passage of the foregoing act by the legislature has been based upon representations made to the legislature that the Federal Government will spend large sums of money in completing the projects started on the State Parks described in this bill and upon the further representation that no state funds will be needed or required to carry on any of such improvements, if any be made. (Apr. 26, 1937, c. 474, §2.)

6508-31. Act void under certain conditions.—If, after the passage of this act, such expenditures are made by the Federal Government and if provision is made for the counties, townships, cities or villages to maintain the parks, then, this act to be valid, otherwise to be void and of no effect. (Apr. 26, 1937, c. 474, §3.)

6508-32. Joseph R. Brown Memorial Park.—That said land upon which is located the home of the said Joseph R. Brown is designated as a state park to be known as the Joseph R. Brown Memorial Park. The state auditor is hereby authorized and directed to accept on behalf of the state a deed to said land so dedicated as such Joseph R. Brown Memorial Park. (July 23, 1937, Sp. Ses., c. 87, §1.)

6508-33. Same—appropriation.—The sum of \$500.00 is hereby appropriated out of the funds in the state treasury not otherwise appropriated for the purpose of reconstructing, repairing and improving the buildings and grounds of said Joseph R. Brown Memorial Park. (July 23, 1937, Sp. Ses., c. 87, §2.)

STATE FORESTS

6511. Land included.

State school lands and other public lands described in §§6511, 6522-1, 6522-2, sold prior to passing of act creating state forests, on reversion to the state, could again be sold for tax delinquency under §6285. Op. Atty. Gen. (700d-21), July 18, 1936.

Tax delinquent lands located within boundaries of state forests created by Laws 1933, c. 419, and Laws 1935, c. 372, and also lands in forest area created by Laws 1917, c. 448, suitable for forest purposes, are not subject to sale after title has reverted to state in fee under Laws 1935, c. 386, §6. Op. Atty. Gen. (700a-9), Aug. 17, 1937.

6511-1. Settlement of claims for damages to state lands and timber.—The commissioner of conservation, upon recommendation of the Attorney General, may compromise and settle any claim of the state arising before the passage of this act for damages to state lands or timber resulting from the maintenance of the dams in the international boundary waters at International Falls and Kettle Falls, and may execute complete releases of such claims and dismissals of any proceedings based thereon in behalf of the state, in consideration of the conveyancy to the state of the lands approved by the commissioner, situated in the counties bordering on said waters; provided, that no such settlement shall operate to release any future damages sustained by the state from the maintenance or operation of said dams, or to grant or convey any future rights or easements in any state

lands affected thereby. (Act Apr. 20, 1939, c. 343, §1.)

6511-2. Lands to be state forest lands.—All lands conveyed to the state pursuant to the provisions of this act shall be state forest lands, and shall be governed, operated, managed and controlled in the same manner as other state forests. For said purposes, the commissioner may attach any of said lands to existing state forests, or may operate the same as separate forests, as he may deem expedient. (Act Apr. 20, 1939, c. 343, §2.)

6511-3. May be exchanged for other lands.—Any lands conveyed to the state pursuant to the provisions of this act shall be subject to exchange for other lands of the United States or private persons, as may be otherwise provided by law, and subject to such conditions and limitations as may be imposed by law on such exchanges; provided, that none of said lands bordering on said international boundary waters or other lakes or streams shall be so exchanged or otherwise disposed of unless expressly authorized by law. (Act Apr. 20, 1939, c. 343, §3.)

6512-1. Department of conservation may purchase spraying equipment.—The department of conservation is authorized and directed to purchase the necessary power spraying equipment for combatting injurious forest insects on state forests, whenever the director of the division of forestry deems it necessary in the interest of good forest management and forest protection of forests to spray the trees for controlling or killing injurious insects. Such spraying may be done in cooperation with the Minnesota State Entomologist. (Apr. 24, 1937, c. 398, §1.)

6512-2. May spray trees on privately owned land.—The commissioner of conservation in cooperation with the Minnesota State Entomologist, is authorized to use said equipment for the spraying of trees on privately owned lands for the purpose of checking or controlling insect epidemic outbreaks which may be injurious to private property, and may make such charges as they shall deem necessary to cover all or part of the cost of such operation, including temporary labor, spray material, gas and oil, and equipment repairs. All moneys received for such spraying are hereby re-appropriated to the department of conservation for the purpose of paying the necessary expense in combatting such insect epidemics or outbreaks and for repairing equipment. (Apr. 24, 1937, c. 398, §2.)

6512-3. Appropriation.—The sum of \$9,975 immediately available is hereby appropriated from any monies now in the state treasury not otherwise appropriated, to be expended by the department of conservation for the purpose of spraying equipment. (Apr. 24, 1937, c. 398, §3.)

6513-1. Definitions.—The term "State Forests" as used in this act shall include all state lands now or hereafter set apart as state forests and shall be held to include all state owned forest lands of every description which may now or hereafter be devoted to uses of forestation or timber production, including all such lands set apart under Section 7 of Article 8 of the state constitution and laws enacted in pursuance thereof, also all such lands withdrawn from sale for the purpose of forestation and timber reserves under the provisions of Section 4 of Article IV, Laws 1925, Chapter 426 [§53-22], and all other such lands now or hereafter otherwise acquired or set apart as state forests or forest reserves or for the purpose of forestation and timber production. (Act Apr. 20, 1931, c. 263, §1.)

See §§6302-1 to 6302-4.

6513-2. Commissioner of forestry to have charge of state forest.—The commissioner of forestry and fire prevention shall have charge and control of all state forests, and shall maintain and manage the same on forestry principles for timber production and for such

other uses as are not inconsistent therewith. (Act Apr. 20, 1931, c. 263, §2.)

6513-3. State Auditor to sell timber.—(a) Timber and other forest products in the state forests shall be sold by the state auditor, upon recommendation and request of the commissioner, in the same manner as provided by law for the sale of timber on other state lands, except as herein otherwise provided. Before any such sale is made, it shall be approved by the executive council, as successor in authority to the state timber board, as provided by law in case of sale of timber on other state lands. No timber or other forest products shall be offered or advertised for sale, or made subject to competitive bidding, in lots or parcels extending over more than one section or exceeding Fifteen Thousand (\$15,000.00) Dollars of appraised value.

(b) Such timber and other forest products in the state forests shall be estimated and appraised for sale under the direction of the commissioner. Such estimates and appraisals may be made either by duly appointed and qualified state appraisers, designated by the commissioner, with the approval of the state auditor, or by qualified persons appointed for the purpose by the commissioner, who shall be known as state forest appraisers. Each such state forest appraiser shall, before entering upon the duties of his office, take an oath and give a bond as provided by law for state appraisers, and shall, under the direction of the commissioner, with respect to all state forest lands and the timber and forest products thereon, have and exercise all the powers and perform all the duties by law vested in or imposed upon state appraisers with respect to other state lands.

(c) The cutting and removal of all such timber and other forest products sold in the state forests shall be conducted under the supervision of the commissioner, and subject to such conditions, rules, and regulations as he may prescribe, and the notice of sale given by the auditor shall so state; provided, that so far as not inconsistent herewith all provisions of law relating to the cutting and removal of timber on other state lands shall apply to and govern the cutting and removal of timber and forest products in the state forests. (Act Apr. 20, 1931, c. 263, §3.)

It would be better form to have two bonds for a person serving as forest appraiser and also ranger. Op. Atty. Gen., July 24, 1933.

Structures on tax forfeited lands within state forests may be sold, leased, or razed pursuant to regulations established by commissioner of conservation, at public or private sales, money to be paid into designated funds, and where no designation is made are required to be paid into general revenue fund. Op. Atty. Gen. (700d-21), Aug. 31, 1938.

6513-4. Commissioner may sell dead and down timber.—The commissioner may sell dead, down, dying, insect infested or diseased timber in the state forests in the same manner and subject to the same conditions and restrictions as provided by law for the sale of such timber by the state auditor upon other state lands by Laws 1925, Chapter 276, Section 10 [§6394-10]. For the purpose of such sales and the cutting and removal of timber so sold the commissioner shall have and exercise all the powers and perform all the duties vested in or imposed upon the auditor by said section, and the cutting and removal of such timber shall be conducted under the supervision of the commissioner and subject to such conditions, rules, and regulations as he may prescribe. The commissioner may also sell in the same manner and subject to the same conditions and restrictions any green standing timber when in his judgment it is necessary or advisable to cut and remove such timber for the improvement of the forest wherein the same is situated. (Act Apr. 20, 1931, c. 263, §4.)

6513-5. Commissioner to prosecute trespass.—With respect to trespass and unlawful cutting or removal of timber upon the state forest lands, the commissioner shall have and exercise all the powers and

perform all the duties vested in or imposed upon the state auditor by Laws 1925, Chapter 276, Sections 32 and 33 [§§6394-32, 6394-33], or by any other law relating to trespass or unlawful cutting or removal of timber upon other state lands, and the state forest appraisers and other authorized employees of the commissioner shall have like power and authority with respect to trespass and unlawful cutting or removal of timber upon the state forest lands as the authorized employees of the auditor have by law with respect to said matters upon other state lands. Except as herein otherwise provided, all trespasses and unlawful cutting or removal of timber upon state forest lands and all matters pertaining thereto or connected therewith shall be subject to and shall be governed by the laws pertaining to trespasses and unlawful cutting or removal of timber upon state lands. (Act Apr. 20, 1931, c. 263, §5.)

6513-6. Commissioner to grant leases.—The commissioner shall have power to grant and execute in the name of the state leases and permits for the use of any state forest lands for any purpose which in his opinion is not inconsistent with the maintenance and management of the state forest in which the land is situated on forestry principles for timber production; provided, that every such lease or permit shall be revocable at the discretion of the commissioner at any time, and shall be subject to such conditions and regulations as the commissioner may prescribe. The approval of the commission of administration and finance shall not be required upon any such lease or permit. No such lease or permit for a period exceeding two years shall be granted except with the approval of the executive council. (Act Apr. 20, 1931, c. 263, §6.)

Under a hay stumpage permit containing provisions prohibiting its transfer, a permittee may have hay cut by a third person on share arrangement. Op. Atty. Gen. (203L-3), Oct. 4, 1934.

6513-7. Commissioner to issue permits for roads.—No public highway other than a state trunk highway shall be established or laid out through any State Forest as the same shall be created and withdrawn from public sale and entry by existing or subsequent Act without the consent of the commissioner, certified by him in writing to the public authority having power to establish or lay out such highway. In any judicial proceedings affecting the laying out of a highway, the court may either sustain or reverse the action of the commissioner as the court in its discretion may deem proper. The limitations and restrictions provided in Section 7 [§6513-7] of this act shall not apply to state owned lands which have not been expressly withdrawn from sale and created and reserved as State Forests, so called. No state forest lands or right or easement therein shall be taken by eminent domain for any purpose without the consent of the commissioner certified by him in writing to the authority or corporation exercising such right of eminent domain. (Act Apr. 20, 1931, c. 263, §7.)

6513-8. Commissioner to make rules.—The commissioner shall have power to prescribe such rules and regulations governing the use of the state forests or any part thereof by the public or governing the exercising by holders of leases or permits upon state forest lands all their rights under such leases or permits as may be necessary to carry out the purposes of this act. (Act Apr. 20, 1931, c. 263, §8.)

6513-9. State forest fund created.—All income which may be received from lands acquired by the State within the areas which have been designated or shall hereafter be designated by the Legislature as state forests, excepting State forest lands included within the game preserve established by Laws of 1929, Chapter 258 [§§5620-1 to 5620-13], and by Laws of 1931, Chapter 407 [§§6452-1 to 6452-13], shall be paid into the state treasury and credited to the General Revenue fund. (Act Apr. 17, 1933, c. 313, §1.)

6513-10. Fifty per cent of receipts to go to county.—The State of Minnesota shall hereafter pay annually to each county in which there now are, or hereafter shall be situated, any state forests described in Section 1 hereof, a sum equal to 50 per cent of the gross receipts of such state forests located within such county, which payment shall be received and distributed by the county treasurer among the various funds of the county and the respective towns and school districts therein wherein such lands lie on the same basis as if such payment had been received as taxes on such lands payable in the current year. (Act Apr. 17, 1933, c. 313, §2.)

Income from state forests in general are governed by this act, but all income received from the 13 state forests created by Laws 1933, c. 419, is governed by §4031-1034b. Op. Atty. Gen. (700d-21), Jan. 3, 1938.

Receipts from leases or timber sales on tax forfeited lands within state forests are to be distributed in manner provided for distribution of receipts from other lands in state forest areas. Op. Atty. Gen. (700a-9), May 26, 1938.

6513-11. State auditor to draw warrants.—The state auditor shall annually draw his warrants upon the state treasurer for the proper amounts in favor of the respective counties entitled thereto and the state treasurer shall pay such warrants from the state forest fund. (Act Apr. 17, 1933, c. 313, §3.)

6513-12. State auditor and state treasurer to adopt an accounting method.—The state auditor and the state treasurer are hereby authorized and empowered to devise, adopt, and use such accounting methods as they may deem proper, and to do any and all other things reasonably necessary in carrying out the provisions of this Act. (Act Apr. 17, 1933, c. 313, §4.)

6514. Lands given for reserves.

Tax commission has no power to abate taxes on 16,000 acres under §1983 in consideration of transfer of 32,000 acres to the state under §6514. Op. Atty. Gen. (130b), Dec. 7, 1934.

6515. Tax title lands, how set apart.

Act authorizing exchange of lands acquired under delinquent tax laws by the state in Red Lake Game Preserve for lands privately owned. Laws 1931, c. 32, ante, §§5620-14 to 5620-21.

6516. Lands purchased for reserves.

Purchase of land held authorized. Op. Atty. Gen., Aug. 21, 1933.

6522-1. State lands within Minnesota National Forest constituted state forests.

State school lands and other public lands described in §§6511, 6522-1, 6522-2, sold prior to passing of act creating state forests, on reversion to the state, could again be sold for tax delinquency under §6285. Op. Atty. Gen. (700-21), July 18, 1935.

6522-2. Certain lands specified as State Forests.—The State School and other public lands now owned by the State of Minnesota, included within the following described limits:

Township 152, Ranges 25 and 26, Township 153, Ranges 25, 26, 27, 28 and 29, Township 154, Ranges 25, 26, 27, 28, 29, Township 155, Ranges 25, 26, 27, 28, and 29, Township 156, Ranges 25, 26, 27, and 28, Township 157, Ranges 26 and 27 from the Minnesota and International Railroad west to the old Red Lake Indian Reservation boundary; Township 158, Ranges 26 and 27, from the Minnesota and International Railroad west to the old Red Lake Indian Reservation boundary and south of the Black River, west of the 5th Principal Meridian and Township 64, Ranges 24, 25, 26, 27, Township 65, Ranges 24, 25, 26, and 27, Township 66, Ranges 26 and 27, Township 67, Ranges 26 and 27, Township 64, Range 20, Township 64, Range 21 east of the Nett Lake Indian Reservation, Township 63, Range 19, Townships 61 and 62, Range 17, Township 54, Ranges 12, 13, 14 and 15, Township 55, Ranges 13, 14 and 15, Township 42, Ranges 16, 17 and 18, Township 41, Ranges 16, 17 and the east one-half of Range 18, Township 49, Range 19, Township 49 and 50, Range 23, Township 60 and the south one-half of Township 61, Range 20, Sections 23-24-25-

26-35 and 36, Sections 1 to 12 inclusive, Township 59, Range 21, Townships 59, 60 and the south one-half of Township 61, Range 21, Townships 59, 60 and the south one-half of Township 61, Range 22, Township 59, 60 and 61, Range 23, Township 59, 60, and the East one-half of Township 61, Range 24, Township 60 and 61, Range 25, west of the 4th Principal Meridian, Section 16, Township 139, Range 32, Township 134, Range 29, west of Gull Lake, Township 134, Range 30, Sections 7 to 36 inclusive, in Township 144, Ranges 36, 37, and 38, and all of Township 143, Range 37, and Township 143, Range 38, and Sections 1 to 6 inclusive in Township 142, Range 37, and Township 142, Range 38, the west five-sixths of Township 137, Range 31, the east one-sixth of Township 137, Range 32, Township 138, Range 31, the north one-half of Township 158, Ranges 33, 34, and 35, Township 159, Ranges 33, 34 and 35, the south one-half of Township 160, Ranges 33 and 34, Township 160, Range 35, west of the 5th Principal Meridian, are hereby withdrawn from sale and established as state forests, to be governed, operated, managed and controlled in the same manner as other state forests. (Act Apr. 9, 1931, c. 124.)

State school lands and other public lands described in §§6511, 6522-1, 6522-2, sold prior to passing of act, creating state forests, on reversion to the state, could again be sold for tax delinquency under §6285. Op. Atty. Gen. (700-21), July 18, 1936.

6522-3. Certain state lands to become state forest.—Whenever the Commissioner of Forestry and Fire Prevention shall determine that any tract of public land of the state which shall have reverted to the state on account of default after sale theretofore made to an individual purchaser, and which, after being reoffered for sale, remains unsold, is suitable and is required for use as a forestry administrative station, demonstration forest, or for any other forestry purpose, and which has heretofore been put to such use, all in designated state forests, and shall so certify to the State Auditor, it shall be the duty of the Auditor forthwith to certify such tract upon his records as state forest land. Thereupon any and all right of the prior purchaser of such tract to redeem the same shall be terminated and extinguished and such tract shall become and be a part of the state forests, subject to all the provisions of law relating thereto. (Act Apr. 21, 1931, c. 283, §1.)

6522-4. Certain lands added to state forest.—All land and water now owned by the state or hereafter acquired by the state in Township 58 North, Range 5; all that portion of Township 57 North and 58 North, Range 6, not now included in the Finland State Forest; Township 56 North, Range 7; all that portion of Township 57 North, Range 7, not now included in the Finland State Forest; Township 56 North, Range 8; all that portion of the east ½ of Township 57 North and 58 North, Range 8, not now included in the Finland State Forest; all west of the fourth Principal Meridian, are hereby added to and made a part of the Finland State Forest, subject to all the laws, rules and regulations of said State Forest. (Apr. 5, 1937, c. 163, §1.)

6522-5. Same.—All lands and water now owned or hereafter acquired by the state in Township 55 North, Range 12 West of the 4th Principal Meridian, not now included in the Cloquet Valley State Forest, are hereby added to and made a part of the Cloquet Valley State Forest, subject to all the laws, rules and regulations of said State Forest. (Apr. 5, 1937, c. 163, §2.)

6522-6. Same.—All lands and water now owned or hereafter acquired by the state in Section 9, Township 139 North, Range 32 West of the 5th Principal Meridian, are hereby added to and made a part of the Foot Hills State Forest, subject to all the laws, rules and regulations of said State Forest. (Apr. 5, 1937, c. 163, §3.)

UNITED STATES LANDS

6528. Relinquishment.

Conveyance of land in Kandiyohi county to United States. Laws 1939, c. 53, app. March 7.

6528-1. State relinquishes swamp lands.—The State of Minnesota hereby waives and relinquishes any and all right and claim that it may by virtue of the Act of Congress of March 12, 1860 (12 Statutes at Large 3) have in or to swamp and overflowed lands lying within the White Earth Indian Reservation in Minnesota which have heretofore been conveyed by the United States, by patent in trust or in fee, to any Indian whether of full blood or of mixed blood. (Act Apr. 18, 1929, c. 226, §1.)

Quitclaim deed was given to the government of land for which state received a swamp land patent from the government, and which had previously been deeded by the government to an Indian allottee. Op. Atty. Gen. (700e), Apr. 17, 1937.

6528-2. Effective when.—This act shall take effect and be of force only when and after the United States shall by act of Congress have ratified and confirmed in the State of Minnesota and its grantees and assigns the title to all lands included within the following described patents issued by the United States to the State of Minnesota, to-wit:

Patent No. 1 dated May	14,1877
Patent No. 3 dated August	5,1880
Patent No. 4 dated November	20,1880
Patent No. 5 dated April	13,1881
Patent No. 6 dated March	27,1885
Patent No. 7 dated March	10,1888
Patent No. 28 dated September	20,1893
Patent No. 41 dated March	15,1895
Patent No. 59 dated April	30,1896
Patent No. 65 dated September	15,1896
Patent No. 72 dated January	18,1897
Patent No. 73 dated February	11,1897
Patent No. 77 dated May	6,1897
Patent No. 82 dated October	20,1897
Patent No. 84 dated January	15,1898
Patent No. 92 dated February	21,1899
Patent No. 95 dated March	15,1899
Patent No. 106 dated October	23,1899
Patent No. 110 dated April	20,1900
Patent No. 126 dated August	26,1901
Patent No. 127 dated August	28,1901
Patent No. 139 dated August	17,1903
Patent No. 163 dated October	14,1904
Patent No. 167 dated January	12,1905
Patent No. 169 dated March	27,1905
Patent No. 170 dated April	8,1905
Patent No. 174 dated October	17,1905
Patent No. 176 dated November	23,1905

and shall have dismissed with prejudice the suit involving said lands and their value and the proceeds from sales thereof now pending in the Supreme Court of the United States, and entitled United States versus State of Minnesota. (Act Apr. 18, 1929, c. 226, §2.)

See U. S. v. Minnesota, 282US907, 51SCR332.

6529. Grant by municipal corporation.

Township may sell and convey lands to the United States but there must be a compliance with §§638(2, 3), 663, 999(2), 1007, but authority may be obtained from voters at special election. Op. Atty. Gen. (700d-28), July 3, 1935.

6532. Minnesota State land commission created.

Exchange of State owned lands for United States owned lands. Laws 1939, c. 382.

6536-1. Commissioner of Conservation may purchase lands from United States Government.—The Commissioner of Conservation is hereby authorized to purchase, to accept by gift or lease, or by tenure title any lands owned by the United States Government, including timber thereon, within the townships in which state forests, or state parks or game refuges or public shooting grounds have been set apart, or will hereafter be set apart by the legislature. These tracts, when the title thereto has become vested in

the state, shall become and be a part of the state forests, or state parks, or game refuges or public shooting grounds, subject to all laws, rules and regulations, relating to state forests, or state parks or game refuges or public shooting grounds. (Act Apr. 29, 1935, c. 333, §1.)

Structures on tax forfeited lands within state forests may be sold, leased, or razed pursuant to regulations established by commissioner of conservation, at public or private sales, money to be paid into designated funds, and where no designation is made are required to be paid into general revenue fund. Op. Atty. Gen., (700d-21), Aug. 31, 1938.

6536-2. May expend money on leased land.—When lands are obtained by lease from the United States Government under this act, the Commissioner of Conservation shall be authorized to make expenditures from any funds not otherwise obligated, for the management, development, and utilization of such areas; to sell or otherwise dispose of products from such lands and make necessary rules and regulations to carry out the purposes of this act. Unless otherwise provided, all incomes derived from such leased lands shall be paid into the State Treasury and be credited to the State Forest Fund and the same is hereby annually reappropriated for the use of the Commissioner of Conservation in the acquisition, management, development, and use of such leased lands until all obligations incurred have been paid in full. Thereafter all revenues received therefrom shall be distributed in accordance with Chapter 313, Laws of 1933 [§§ 6513-9 to 6513-12.]. (Act Apr. 29, 1935, c. 333, §2.)

6536-3. Not to create debt.—Obligations for the acquisition of lands by lease incurred under the authority of this act shall be paid solely and exclusively as hereinbefore provided from revenues derived from such lands and shall not impose any liability under the general credit and taxing power of the state. (Act Apr. 29, 1935, c. 333, §3.)

6536-4. May sell and exchange lands.—The Commissioner of Conservation with the approval of the Conservation Commission and of the Executive Council shall have full power and authority to sell, exchange or lease lands under its jurisdiction, when it is deemed advantageous to the State in the interests of the highest development, utilization and management of State Forests. Provided, however, that such sale, lease or exchange of lands shall not be contrary to the terms of any contract which has been entered into and shall not apply to state trust fund lands. (Act Apr. 29, 1935, c. 333, §4.)

6536-5. Commissioner to make rules and regulations.—The Commissioner of Conservation with the approval of the Conservation Commission of the State of Minnesota is hereby authorized to make such rules and regulations as may be necessary to carry out the purposes of this act and is hereby authorized to enter into cooperative agreements with appropriate officials of the United States for and on behalf of the State of Minnesota in order to secure the full benefits to this state of the provisions of an act of Congress introduced March 21, 1935, as H. R. 6914 and all other acts of Congress which have been or may be passed providing for ways and means of authorizing cooperation with the states for the purpose of stimulating the acquisition, development, and management of state lands and coordinating federal and state activities in carrying out a national program of land use and management, and for other similar purposes; that this act and all other acts and amendments thereto and all rules and regulations and agreements made hereunder shall be liberally construed for the purpose of making possible the complete cooperation of the agencies of this state with the agencies of the Federal Government. (Act Apr. 29, 1935, c. 333, §5.)

This act enables state to cooperate with United States under the Fulmer Act. Op. Atty. Gen. (203r-3), July 30, 1936.

6536-6. Provisions severable.—The provisions of this act shall be held severable. In case any provision hereof shall be held unconstitutional no other provision hereof shall thereby become inoperative. (Act Apr. 29, 1935, c. 333, §6.)

6536-7. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby superseded, amended or modified so far as may be necessary to give full force and effect to the provisions of this act. (Act Apr. 29, 1935, c. 333, §7.)

6536-11. Expenditure of state's percentage of proceeds of sale of lands of the United States.—All sums heretofore or that may hereafter be received from the United States government, on account of an act of Congress approved May 23, 1908 (35 Stat. 260) [Mason's U. S. Code Anno., title 43, §500], or any amendments thereof hereafter enacted shall be expended as follows:

One-half for public schools, and the remainder for public roads in the counties in which the national forests are situated; provided, however, that any county coming within the provisions of said act of Congress is hereby authorized to borrow money from the Federal Government or any of its agencies and to use moneys received pursuant to the provisions of said act of Congress or amendments thereto for the purpose of repaying any loan or loans made to such county by the Federal government or any of its agencies. In the case of the Superior National Forest, the counties of Cook, Lake and St. Louis shall share equally in the distribution of the sum received from that source, and Cass county shall receive the entire sum derived from the "Minnesota National Forests." ('13, c. 58, §1; Jan. 24, 1936, Ex. Ses., c. 80, §1.)

6536-12. Same—warrant to county treasurers—federal loans to counties.—It shall be the duty of the state auditor to transmit his warrants on the state treasury to the county treasurer of the respective counties for the sum that may be due in accordance with this act, which sum or sums are hereby appropriated out of the state treasury from the amounts received from the United States government, pursuant to the aforesaid act of congress. The State Auditor upon being notified by the Federal government or any agencies thereof that a loan has been made to any such county the repayment of which is to be made from said fund is authorized to transmit his warrant or warrants on the State Treasurer to the Federal government or any agency thereof sufficient to repay such loan out of any moneys apportioned or due to such county under the provisions of said act of Congress, approved May 23, 1908 (35 Stat. 260). ('13, c. 58, §2; Jan. 24, 1936, Ex. Ses., c. 80, §2.)

6536-13. Same—use for schools and roads near national forests.—It shall be the duty of the county board of each county receiving such money to use the portion allotted to public schools to aid in maintaining those school districts that may be situated within or near the national forest, and the portion allotted for public roads shall be used, so far as practicable, in the construction and repair of roads within or near the national forests; provided, however, that this section shall not apply to any such sums of money which may have been allotted or set aside for the purpose of paying loans which may have been made by any county pursuant to the provisions of Sections 1 and 2 of this act. ('13, c. 58, §3; Jan. 24, 1936, Ex. Ses., c. 80, §3.)