

**Section 1. Certain instruments must be recorded.**—Whenever any instrument, otherwise legal, affecting the title to real estate situate in this state, granting any interest therein to or evidencing any lien thereon in favor of any person, as trustee, shall be recorded in the office of the register of deeds, or filed in the office of the registrar of titles, of the county in which such real estate is situate, and the powers of such trustee and the beneficiary of such trust are not set forth in said instrument, expressly, or by reference to an instrument so recorded or filed, such designation of such grantee, as trustee, may be disregarded, and shall not be deemed to give notice to any person whatsoever, of the rights of any beneficiary under such trust in said real estate unless and until an instrument defining, or conferring such powers of such trustee and designating the beneficiary thereunder, with a certificate attached executed by the trustee in the same manner as deeds are required to be executed by the laws of this state describing such instrument so granting an interest or evidencing a lien and stating that the same is held subject to the provisions of such trust, shall be so recorded or filed after such recording or filing of such instrument granting said interest in or evidencing such lien on said real estate.

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

Approved April 24, 1929.

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CHAPTER 319—S. F. No. 161

*An act amending Subsection (8), General Statutes 1923, Section 5630, as amended by Laws of 1925, Chapter 380, and as further amended by Laws 1925, Chapter 419, relating to the preservation, protection and propagation of wild animals, and conferring certain additional powers and imposing certain additional duties upon the game and fish commissioners, and for the purpose of using public lands and of acquiring by condemnation, or otherwise, other lands, including lands in drainage districts, and interests therein, for the establishment of public hunting grounds and game refuges, and for the maintenance, improvement, regulation and reforestation thereof.*

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

Section 1. **Powers of Game and Fish Commissioner.**—That Subdivision (8) of General Statutes 1923, Section 5630, as amended by Laws 1925, Chapter 380, and as further amended by Laws 1925, Chapter 419, be and the same hereby is amended so as to read as follows:

“(8). *A.* To select, set aside, and reserve from lands owned by the state, and to acquire by condemnation, gift, lease or purchase, lands, or *easements, riparian rights, or other interests* therein or thereon, suitable for the purposes of establishing and reforesting large and small game public hunting grounds and game refuges, subject to the approval of the *executive council*, and shall establish thereon public hunting grounds, and shall set aside a portion of each of said public hunting grounds, not exceeding one-third ( $1/3$ ) thereof, as a state game refuge, said portion so set aside to be surrounded on all sides by the remainder thereof, and shall pay the *compensation for property acquired or damaged for such public hunting grounds and game refuges and the cost of improving and maintaining the same out of any funds, available for the purpose of this act*, and shall make such rules and regulations as he shall deem necessary governing the conduct of persons on said public hunting grounds and game refuges.

*B.* And for the purposes of this act, the game and fish commissioner may acquire lands in any drainage district in this state or in any portion thereof, and may alter the flow of water in said drainage district by dykes, dams, or otherwise as may be deemed by him to be expedient or necessary, subject to the provisions of this act.

*C.* Title to any lands or interests acquired for the purposes of this act shall be taken in the name of the state, and condemnation proceedings for the acquisition thereof shall be governed by the laws relating to the condemnation of property for the state, subject to the provisions of this act. In such condemnation proceedings, in addition to service of the notice of the objects and contents of the petition and of the time and place of presenting the same as otherwise required by law, three weeks published notice thereof shall be given within the time prescribed by law for service of such notice, in a qualified legal newspaper published at the county seat of each county in which any lands affected by the proceedings are situated. Any person owning lands or interests affected by any such proceeding and not made a party thereto may intervene therein at any time up to the time of presentation of the petition.

*D.* In case it is necessary to acquire by condemnation for any project under this act any public or private property situated in more than one county, the following provisions shall apply: Proceedings for the condemnation of all such property may be had in the district court of the county in which the larger portion of the lands affected

by such proceedings lie, and such court shall have complete jurisdiction thereof. The court shall appoint the same number of commissioners as otherwise prescribed by law for such proceedings, but shall appoint at least one resident of the county in which the proceedings are commenced and at least one resident of each other county affected, as far as possible. A certified copy of every attorney's certificate, decree of the court, or other instrument provided by law for finally establishing or evidencing the rights of the petitioner in the lands affected shall be filed for record with the register of deeds of each county in which any lands affected by such certificate, decree, or other instrument are situated but describing only so much of the lands affected as are situated in the county in which it is so filed.

E. The commissioner of game and fish may at any time after the filing of the petition for the condemnation of any lands or interests in lands for the purposes of this act take possession thereof, except as hereinafter provided, and he may at any time enter upon any lands and make surveys and examinations thereof for the purpose of determining whether the same are suitable or necessary for the purposes of this act.

F. No public highway or public drainage ditch or system shall be obstructed or damaged so as materially to impair or interfere with the maintenance or use thereof by any project under this act, and no other public property shall be taken or damaged by any such project, and no waters in any ditch, stream, lake, or other body of water or water course shall be interfered with or affected in any manner so as to take or damage any public or private property by flowage, seepage drainage, or otherwise, unless the necessity therefor shall first be determined by the court in condemnation proceedings as herein provided, to which proceedings each county, city, town, village and private property owner affected shall be made a party. In case the project involves or necessitates the changing of any water level so as to take or damage any public or private property by flowage, seepage, drainage, or otherwise, the proposed new level and the extent to which and the manner in which any lands will be affected thereby shall be specified and shown in the petition and by plans filed therewith in the condemnation proceedings. In case the project involves or necessitates any material extension, alteration, or relocation of a public drainage ditch or system or of a public highway, the proposed extension, alteration, or relocation shall be described in a supplemental petition filed by the commissioner of game and fish in the condemnation proceedings in like form as provided by law for a petition for such extension, alteration, or relocation of a judicial ditch or highway, as the case may be, but without bond, and thereupon the court in which such condemnation proceedings are pending, whether the

*ditch or drainage system or highway, as the case may be, was originally established by such court or not, shall have complete jurisdiction in the premises as if such drainage ditch or system or such highway were a judicial ditch or highway, as the case may be, established by such court, and such petition shall have the same effect as a petition for the alteration, extension, or relocation of such judicial ditch or highway, as the case may be, filed according to the laws applicable thereto, respectively. Thereupon the court shall cause notice to be given and proceedings to be had upon such petition to effect the proposed alteration, extension, or relocation as part of and supplemental to the condemnation proceedings in like manner and with like effect as provided by law for the alteration, extension, or relocation of a judicial ditch or highway, as the case may be; provided, that the commissioners appointed by the court in the condemnation proceedings shall act as viewers or commissioners, as the case may be, in such supplemental alteration, extension, or relocation proceedings. The court shall make its final order in such supplemental proceedings determining and specifying the nature and extent of the alteration, extension, or relocation to be made, and also determining and specifying to what extent the original drainage ditch or system or highway, as the case may be, shall be vacated and abandoned, and upon the completion of the project in accordance with such order the original drainage ditch or system or highway shall be deemed to be vacated and abandoned to the extent specified in such order.*

*A certified copy of such order shall be filed with the court or with the proper officer of the body by which the drainage ditch or system or highway was originally established, and shall be binding upon all parties thereto as if made therein according to the laws relating thereto. All compensation awarded in such supplemental proceedings for property taken or damaged shall be paid out of the moneys appropriated for the purposes of this act.*

*G. Whenever any lands or interests acquired or damaged under this act are subject to any unpaid taxes or assessments, such taxes or assessments shall be paid by the commissioner of game and fish out of and shall be deducted from the compensation payable for such lands or interests or for damages thereto, as the case may be, as far as such compensation is sufficient therefor, and thereupon such lands or interests shall be discharged from the lien of such taxes or assessments, whether the full amount thereof has been paid or not; provided, that in any case where such compensation is paid otherwise than as determined in judicial proceedings as herein provided, such lands or interests shall be discharged from such lien only to the extent of the amount actually paid thereon; and provided, further, that such discharge shall not affect the lien of any unpaid taxes or assessments, or portion thereof, on any undivided or remainder or other interests not taken under this act.*

*H. No public drainage ditch or system hereafter established shall be constructed or maintained so as to affect in any manner public hunting grounds or game refuge established under this act or any waters thereon, nor shall any public highway be constructed over or across any such public hunting grounds or game refuge, unless the commissioner of game and fish shall, after having determined that the maintenance and use of such public hunting grounds or game refuge will not thereby be injuriously affected, consent thereto.*

*I. The commissioner of game and fish shall maintain all public hunting grounds and game refuges established under this act in such manner as he shall deem best for the benefit of the public and for the protection and propagation of wild game therein, and may erect such structures and make such other improvements thereon as he deems necessary or proper for the maintenance thereof."*

Approved April 24, 1929.

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#### CHAPTER 320—S. F. No. 241

*An act to amend Section 10859, General Statutes 1923, relating to charges for other than county prisoners.*

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

Section 1. **Charges for other than county prisoners.**—That Section 10859, General Statutes 1923, be and the same hereby is amended so as to read as follows:

"10859. **Charges for other than county prisoners**—Whenever any prisoner is ordered confined in any county other than that in which his offense was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board *eighty-five* cents per day, except that when there are not more than three prisoners in such county jail the charge for such board *shall* be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail."