

1936 Supplement
To
Mason's Minnesota Statutes
1927

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

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



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the county treasurer to that effect, shall issue under his hand a certificate of such payment and the same, when recorded in the office of the register of deeds, shall release and discharge such lien of record.

(d) On or before November 15 next following the filing by the auditor of such statement, said auditor shall enter on the tax lists of the county the amount of the lien against each tract of land, all of which shall be payable as directed by the court on such tract which shall be subject to and be collected with like penalties as all other taxes.

(e) The county auditor of the county or counties wherein the proceedings are held is hereby authorized upon order of the court to issue warrants of the county to pay the official costs of such proceedings and when the costs are assessed against the lands in more than one county such costs are to be determined and apportioned between the counties affected in proportion to the benefits assessed against the lands and property in such county. The issued warrants are to draw interest at the legal rate, subject to their payment as provided under Mason's Minnesota Statutes of 1927, Section 6840-108. (Act Apr. 29, 1935, c. 369, §17.)

6602-28. Not to proceed unless funds are available.—No proceedings shall be instituted under the provisions of this act whereby the state of Minnesota shall be assessed or charged for a portion or the whole of the cost of such improvement unless at the time of the institution of such proceedings funds are avail-

able for the payment of the same. (Act Apr. 29, 1935, c. 369, §18.)

6602-29. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby superseded, modified, or amended so far as necessary to give effect to the provisions of this act except that nothing in this act shall amend, alter, supersede, or otherwise change the provisions set forth in Chapter 412, Session Laws of Minnesota 1933, or Amendments thereto or Mason's Minnesota Statutes of 1927, Sections 751, 6588, 6589, 6590, 6591, 6592, 6593, 6594, 6595, 6596, and 6597; Provided, further that the provisions of this act shall in no manner apply to public waters of an area of more than 10,000 acres, situated wholly or partially within counties now or hereafter having a population of more than 450,000 inhabitants, and an assessed valuation of more than \$450,000,000, including moneys and credits, and in which is situated a city of the first class within a distance of 20 miles from said body of public water, and provided further that as to such public waters nothing herein contained shall be construed to authorize the diversion of any water from any stream, river or lake located in any county adjoining or abutting in part upon the county wherein a major portion of such public waters are located. (Act Apr. 29, 1935, c. 369, §19.)

6602-30. Provisions severable.—The various provisions of this act are declared to be severable. If any provision thereof shall be declared unconstitutional the remaining provisions shall remain in full force and effect. (Act Apr. 29, 1935, §369, §20.)

CHAPTER 43

Logs and Lumber

6604. Duty of surveyor general.

Authority to scale state timber is still vested in the surveyor general of logs and lumber, but is now subject to supervision of commissioner of conservation and director of division of forestry instead of state auditor. Op. Atty. Gen., June 27, 1933.

6613. Posting scales—Scribner's rule, etc.

Scribner rule prescribed by statute and not revised Scribner Decimal C log rule is to be used by surveyor

general when not otherwise agreed on. Op. Atty. Gen., Dec. 4, 1933.

Contracting private parties need not consider legal rule in purchase or sale of logs, law not requiring official scaling in private sale. Id.

In private sale of logs, in case log rule has not been agreed upon, true quantity and log scales made by competent persons would be best available evidence, but any scaling done by surveyor general would constitute strong showing to court. Id.

CHAPTER 44

Drainage

STATE DRAINAGE COMMISSION [DEPARTMENT OF DRAINAGE AND WATERS]

6634. Department of drainage and waters.

Laws 1931, c. 186, ante, §§53-23a to 53-231, creates the Department of Conservation and transfers to it the powers of the Department of Drainage and Waters.

6635. Powers of commissioner of drainage and waters.—Subd. (a). The commissioner of drainage and waters established by this act, shall have power to construct as hereinafter provided, any ditch, drain or other watercourse within the State of Minnesota, and such ditch, drain or other watercourse may in whole or in part follow and consist of the bed of any creek, stream or river, whether meandered or not, and he may widen, deepen, straighten, change, lower or drain the channel or bed of any creek, river, lake or other natural watercourse, whether navigable or whether meandered or not, and may construct new and additional outlets to any marshy, shallow or meandered lake for the purpose of draining the same, and may follow and extend the same into or through any city or village within the state far enough to secure a sufficient fall and flow of water to reasonably effectuate the purpose for which the work is extended, and may confine any such creek, river or other natural watercourse by means of dykes, levees and embankments to its natural or artificial bed, as laid out, and shall also, whenever it shall appear to his satisfac-

tion that the drainage of any territory may be made more effective by the construction and maintenance of dams, or other works, for retaining and controlling the flood waters, tributary to such territory, have the power to construct or acquire such dams or other work, and flowage rights therefor, and to maintain and operate the same.

Provided, that when in any such proceedings, the waters of any creek, river or other watercourse are diverted from their natural bed by such artificial ditch or drain, such ditch or drain shall as nearly as practicable, follow the general direction of such creek, river or watercourse, and terminate therein.

And, provided further, that no meandered lake shall be drained under the authority of this act, except in case such lake is normally shallow and grassy and of a marshy character or except in case such meandered lake is no longer of sufficient depth and volume to be capable of any beneficial public use of a substantial character for fishing, boating or public water supply.

Provided further, that no meandered lake shall be drained or lowered under the authority of this act unless petitioned for by at least sixty per cent of the legal voters residing within four miles of such lake, who are freeholders, whose lands are affected as shown by the viewers' report and filed in the office of the