1940 Supplement

To

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1927

(1927 to 1940)

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

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

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mal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as an 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 alter 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 and that the hides produced are those of the animals described in the statement and certificate, and that the hides produced are those of the animals described in the statement and certificate, and that the claimant is entitled to the bounty claimed. (Act Apr. 24, 1931, c. 309, §2; Apr. 14, 1939, c. 258, §2.)

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, §§; Apr. 14, 1939, c. 258, §5.)

CHAPTER 40
Public Lands

Laws 1931, c. 186, ante, §§152-228 to §2-221, 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 lands was sold as agricultural land without separate sale of timber, and this includes state swamp lands. Op. Atty. Gen. (700a-1), Jan. 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 the Board of Regents of the University may see fit. Op. Atty. Gen. (618e-2), Dec. 13, 1938.

6263. Swamp lands—Minimum price.

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

6266. Terms of payment—Interest.


6269. Sales by subdivisions.


6277. Appraisal of school or other state lands—appointment of appraisers—appraisal—sales—homesteaders—improvements—contents—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 15 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

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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 appraisement, 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 as he considers fit on public interest. Where land mainly valuable for agricultural purposes, as shown by the appraisement and other reports in the office of the Commissioner of Conservation contains only small quantities of pines, tamarack, or 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 render to the Commissioner of Conservation the value of 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 during the continuance of which such improvements were made by him, he has 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 such 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 treasurer, 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 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.

Section 2. Of Act Dec. 27, 1933, cited, provides that the act shall take effect from its passage.
6280. 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., 182M318, 236 NW 378; 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 land described in the certificate, but not later than on December 31, 1939, pay to the state 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 section 1 shall not apply to state lands sold prior to January 1, 1934. (As amended Jan. 5, 1935, Ex. Sess. c. 39, §2; Apr. 21, 1939, c. 353.)

Where in 1919 X purchased land from state, paying price of the land and the interest thereon. The taxes on the land were delinquent, and Y, who purchased from X, purchased the same at the tax judgment sale. Y paid the taxes, and X, in 1934, purchased the land from Y. The question is whether X could redeem the land in 1934, in view of the fact that Y purchased it at a tax judgment sale. D.C., 277 Minn. 578, 154 NW 2d 86 (1968).

6292. Payments on school lands extended.—That the treasurer of the state of Minnesota is hereby authorized to receive payments to and including December 31, 1939, the principal on all state land certificates where the term for payment of interest thereon 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. (71, c. 440, §1;
Ex. §1.) 1929, 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.


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, §25, c. 36, §2; 27, c. 3, §2; 1929, c. 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.)


6250. Land patents.—The governor shall sign and issue, under the seal of the state, authenticated with the certificate of 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, judical, 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 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 has 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 interest, and taxes have been paid and that the owner is entitled to a patent. (R. L. 1861, §247; G. S. '13, §5237; Apr. 29, 1935, c. 368, §1.)

Sec. 5 of Act Apr. 29, 1935, cited, provides that the act shall not affect any patent arising under its provisions. (Mar. 29, 1927, c. 84, §1.)

6250-1. Certain patents validated.—All patents herefore 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. 29, 1927, c. 84, §1.)

6260-1. Liability under official bonds.—The liability under the official bonds of county treasurers and of their deputies and employees shall include liability for the faithful performance of the duties of such treasurers, deputies and employees, under Section 6513-1 to 6513-8, inclusive, General Statutes 1923. (Act Apr. 15, 1929, c. 200, §1.)

6260-2. Effective January 6, 1930.—This act shall take effect on the first Monday in January, 1930. (Act Apr. 16, 1929, c. 200, §3.)


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 relating to the sale of state swamp 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 Chipewa 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.)


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 the 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 acquire 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 or ex officio. The Chairman of the Conservation Commission shall serve without pay. Said Land Use Committee 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 is owned by the state or 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 after holding public hearings, 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 therefore shall be recorded in the office of the Register of Deeds in the county or counties in which the lands classified are located. Taxes therefor 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 of 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 in such manner as the governor, treasurer, auditor, attorney general and one commissioner to be appointed by the Regents of the University of Minnesota from among their members, or his successor under any other law, and a successor shall be given to applications for loans from school districts and priority shall be accorded such loans 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.)

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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.)
Where no taxes have been extended against state lands, no notice of expiration can be issued or served. Op. Atty. Gen. (700d-l), 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 1927, c. 387, but purchaser in state forest, which has been sold under contract by state trust lands, neither county nor any other taxing authority may 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-l2), Sept. 19, 1936.

CH. 39—PUBLIC LANDS

6324 to 6327. [Repealed].

Repealed Feb. 14, 1926, c. 18.

6328. Lands to be leased by state auditor.

This section does not authorize the state auditor to lease all lands for delinquency sold by the state auditor for delinquency under Laws 1927, c. 119, §1. Op. Atty. Gen., Apr. 1, 1933.

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

Such state appraiser shall accept gift of mineral lands subject to condition that state be given a preferred lease of premises for purpose of storing lean ore and rock from adjoining lands. Op. Atty. Gen., Apr. 12, 1933.


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.)


 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 classifications should remain under control of the executive council, and lands in former classification are subject to control of commissioner of conservation and it is his responsibility to report on policy for their use. Op. Atty. Gen. (592c-88m), August 28, 1939.


6340-2. Receipts to be credited to improvement fund.—Any sum or sums of money received from such sale, lease or assignment, or from state appraiser under Laws 1927, c. 119 and Extra Session Laws 1935-1936, and any sum or sums of money received by any kind and in any manner and expended in the same manner and for the same purposes for which said fund was created. (Apr. 24, 1937, c. 459, §2.)

Sec. 5 of Act, April 24, 1937, cited, provides that the Act shall take effect from its passage.


TIMBER LANDS

6356. State appraisers—bond—duties—badge—report.—At the time of the appointment of any such state appraiser he shall give a bond to the state, in a penal sum of $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 hereinafore provided for, be filed in the office of the 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 trespass 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 apraiser 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 upon each forty acre tract or subdivision; provided, however, that as ownership may appear to each such fund, and such apportionment is hereby legalized and confirmed.

No such report shall embrace more than one section or fractional section of land according to the govern-
isolated and the value of the timber to the State thereby lessened. (As amended Apr. 23, 1937, c. 369, §1.)

6304. [Superseded].


6307. [Superseded].

See temporary act Apr. 9, 1921, c. 135, §2.

Certain timber permits extended. See Laws 1933, c. 179.

Eight per cent rate prescribed by Laws 1931, c. 136, and Laws 1933, c. 107, is applicable to permit issues between Jan. 18 and Jan. 24, 1928, and which were extended under authority of such acts. Op. Atty. Gen. (424), Apr. 1, 1935. 


8394-3. 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 any person to commit any other trespass 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 willful, 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 the state, or shall have permitted any person to acquire 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 such defense whatsoever in any action to recover possession or allowance for labor or expenses incurred in preparing such timber for market or transporting the same to or towards market. And every such defendant shall be deemed guilty of a felony. (As amended Apr. 23, 1937, c. 358, §1.)

Delay of 11 years by state before starting action to recover for timber cut from state land, held to renew it guilty of laches, barring question of items of settlement. Martin v. Federal Surety Co., (CCA8), 58F(2d)79.


Department of conservation has no discretion as to extending leniency, and double stumpage must be charged without formality 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 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 for the purposes hereunder shall be sold to the highest bidder. (As amended Apr. 21, 1939, c. 356, §2.)


6304-6. Proceeds of sales of timber seized and damages recovered—Disposition of proceeds.

—Where state trust fund land reverted to the state, and county auditor collected money in payment of timber cut, and 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. (760a-28), May 6, 1929.

6304-8. 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 act 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 comprised 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.

(b) 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 scale 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 once.

(c) 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 scale 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 once.

6304-9. 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, department of conservation may sell the timber on the lands in his possession, after having formally, by letter or otherwise, authorized the purchaser to cut and remove the 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 for the purposes hereunder shall be sold to the highest bidder. (As amended Apr. 21, 1939, c. 356, §2.)

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 practicable. (As amended Apr. 21, 1939, c. 352.)

6304-10. Permits to purchasers to cut and remove timber—contents—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 director, for each such piece of forest land, by which he may 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 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 permit made out 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 permit, the permit shall 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 any statute or limitations shall so operate. The permit shall provide that 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 shall furnish such security as the attorney general, by the terms of which he shall be authorized, either in his own name or in the name of the state, to bring an action on bond given by permittee. 180M160. 230NW 465. 250 NW 465.

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 from other such pieces of forest land, 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. The permit shall further provide that 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.

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 or stated pursuant to the provisions of this act. (As amended Apr. 23, 1937, c. 368, § 3.)


Statute of limitations does not run against the state in action on bond given by permittee. 150M160. 230NW 465. 250 NW 465.


6894-18. Bonds of purchasers for liabilities on—Subrogation.—Except as otherwise provided, the purchaser of any state timber, before any timber permit to him shall become effective for any purpose, shall remain ninety days from the date of purchase giving good and valid bond to the attorney general 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 1127
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, and recorded. Such 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 such 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 thereon such 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 thereof, or have any other appointments. In relation thereto, which said 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 to the land and official seal, showing the amount of such timber, the trespass thereby committed, or from prosecuting the offender criminally. (R. L. '05, §2653; G. S. '13, §5705; Apr. 21, 1933, c. 275, §2.)

6394-32. Timber unlawfully cut or removed, etc. See §6512-5 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 were paid, the value 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 and or contract only injunction to prevent waste. Op. Atty. Gen. (70DD-1), Mar. 19, 1937.

6394-33. Auditor's record of trespasses. See §6512-5 herein.

6394-37. Statutes of limitations not applicable, etc. See §6513-5 herein.

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.


401. Reservation of minerals under meandered lakes, etc.


6402-1. Funds, how disposed of. The principal of all funds derived from the sale of such minerals shall never 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 thereof shall be paid into the state road and bridge fund. (‘99, c. 49, §2.) [5612.]

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, gravel, petroleum, sand, gravel, stone, natural gas and all minerals, especially iron ore contained in 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, 1938, 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;

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(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 lease if the same 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 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—recordation.—All assignments or 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 6 (§6402-6), hereof. For recording any assignment or other instrument affecting the title to a 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, shall declare such permit or lease to be forfeited, 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.)

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, and is in 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 land removed from such lake 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, and 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 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 area and rental for such enlarged area shall be increased by $1,000.00. (Jan. 18, 1936, Ex. Ses., c. 42, §6.)

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.


6405. Annual sale of permits by Commissioner of Conservation—notice—publication—administration—expectation 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 directed. 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 terms of permits 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. 39, §27, c. 389, §1; Ex. Ses., 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. 1926, AD-49.


Rights and duties of permit holders—Prospecting work, etc.
Notice of termination of state mineral contract should be complied with in order that it may be recorded. Op. Atty. Gen., Mar. 8, 1933.

Leases to permit holders—Royalties.
A contract between the state and a lessee of school lands, assigned by the latter to a third party, held a lease and contract in place of another. Wanless Iron Co. v. U.S., (52 F.2d) 343. Cert. den. 283 U.S. 864, 58 SC 724.

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

Income received by sublessee, held subject to federal income tax. Wanless Iron Co., 298 F. 1934.

Form of lease—Rental and royalties.


Permits to prospect for ores other than iron, etc.

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


Executive council may extend contracts.
Whatever agreements may be 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. Op. Atty. Gen. (310b-10), Apr. 21, 1935.

Executive Council may extend contracts.
Whatever agreements may have 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, of a public lake or stream beds 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 in such 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.)

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

Inconsistent acts repealed.—All other 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, §1.)

Other lands.

Peat lands withdrawn from sale.—All lands now or hereafter owned by the State and the State Conservation department must be deemed to be chiefly valuable by reason of deposits of peat in commercial quantities, are hereby withdrawn from sale. (Act Apr. 29, 1935, c. 322, §1.)

Commissioner 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.)

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.)

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. 6152-1. Reforestation areas to be set off.—For the purpose of vesting and retaining the State with title to lands suitable 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, or for any of such purposes, 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 board of county commissioners shall be submitted to and filed with the Department of Conservation of the State of Minnesota and considered and acted upon by the 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

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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 Public Dredging Ditches Act, relating to public dredging ditches authorized the establishment of such ditches upon public lands not owned by the Federal Government and whereupon the benefits derived from such public works would accrue to the benefit of the State and its inhabitants, and the assessments levied upon lands thereby benefited for the construction and maintenance thereof could not be collected by virtue of the taxing powers of such counties would result in taxes so levied upon lands supposedly benefited thereby cannot be collected in a sum sufficient to pay the charges thereon, and upon hearings thereon, at which the general taxpayers were not adequately represented, and

Whereas, upon the establishment 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 officers to issue and sell the general obligation bonds of the county secured by the pledge of the full faith, credit and resources of the county and unlimited taxing powers of such county to the extent necessary to pay the costs of establishment and construction of such ditches, and

Whereas, certain counties have heretofore incurred obligations to finance and refinance such ditches which are not now primarily suitable for agriculture, and the assessments levied upon lands thereby benefited thereby have been insufficient to pay the charges thereon, and bonds, and the payment of such bonds by the use of money raised by the establishment and construction of such bodies would make such dispositional 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 obligation bonds of certain of such counties and all the political subdivisions and municipal corporations would thereby lose their credit, and the charges on all public financing for many years to come, and

Whereas, certain lands in such counties will become available for State ownership on the reason of delinquent tax liens thereon, and such lands are suitable for State ownership from the sale of timber therefrom for reforestation, flood control projects or other public state purposes, and will produce revenue to assist in relieving the tax burdens and preventing such bond defaulters,

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. (Act Apr. 25, 1931, c. 407, §1.)

Whereas, pursuant to such laws certain counties have been or are to be extended upon the tax rolls of such counties, 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 since the time such lands come under State or privately, consistent with the rights of such former owners. Op. Atty. Gen. (700d-21), Aug. 16, 1937.

Department of conservation may lease gravel piles on 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 to be paid into general revenue fund. Op. Atty. Gen. (700d-21), Aug. 21, 1938.

6452-3. Disposition of proceeds.—The proceeds of all certificates of indebtedness issued under the provisions of this Act, all monies received from redemp- tion 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 since the time such lands come under State or privately, consistent with the rights of such former owners. Op. Atty. Gen. (700d-31), Aug. 16, 1937.

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 name 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 redeemed 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 1928 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 receive 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 1 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 and between the boundaries of any such project, in the county ditch fund, credited to the taxes 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.

The approval of said intrastate 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 mortgages 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 on account of assessments heretofore extended, 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 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 on account of assessments heretofore extended, 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 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 amount and the 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 the project of such ditches.

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 taxing district of 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 project, 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 the par value thereof. 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 the purpose of making and extending such certificates of indebtedness for state taxes for such year, and for each year thereafter, until the maximum state liability prescribed by said 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 4 (§6452-4) of this Act, he shall certify the same forthwith to the Department of Conservation which shall classify all such lands as to their suitability for
agriculture or for reforestation, 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 replatted 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, § 5.)

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. 15, 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, devises 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 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.)


County is not liable for full amount of bonds of a township incorporated for a reforestation area, but is only liable for that portion of the bond which bears the same proportion to the total assessed valuation of the township to the total assessed valuation of the county within which a state reforestation or flood control project lies, or part thereof, if such project be located wholly or partly in such county. County is not liable for full amount of bonds of a town incorporated for a reforestation area, but is only liable for that portion of the bond which bears the same proportion to the total assessed valuation of the town to the total assessed valuation of the county wherein a state reforestation or flood control project lies, or part thereof, if such project be located wholly or partly in such town. (Act Apr. 25, 1931, c. 407, § 15.)

6452-12. Violations a misdemeanor.—Any person who within the limits of any such project shall wilfully 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, or in a manner 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 town or school districts in reforestation area.—Any county owning lands for reforestation purposes or any 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 state rate of principal and interest of bonds now outstanding issued before the approval and acceptance of such project by any school district or town situate 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) 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 incorporated for a reforestation area, but is only liable for that portion of the bond which bears the same proportion to the total assessed valuation of the town to the 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, for the maintenance of the projects provided by Laws 1935, Chapter 119 (§§1935-23 to 1935-34), 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 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 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 (§§6452-41), the sum necessary to pay such portion of the county bonds for which the county is liable, 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. 386.

6150. State auditor to promulgate rules. Such may accept donations for public use for park purposes only and then apply to legislature to have boundaries of nearby park extended to include such land. Op. Atty. Gen. (386b-10). June 25, 1931.

6150. 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. 177M143, 225N164.


§6462. Violation of rules.

There was no authority and no public necessity for the condemnation of an easement for an electric power line by the city of Knox, 177 Mo. 145. 84 S.W. 384. 84 S.W. 384.

§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.

If 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, not to exceed two rods distant landward therefrom, hereby is preserved 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 theretofore 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.)


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


§6467-1. Conservation commission to make rules and provide reasonable 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 vehicles in any state park or 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 vehicle (Except truck which pays a charge of $0.50): $2.50
   - Motor driven vehicle and tent, trailer coach or other portable shelter: $3.50

   (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): $3.50

   For each additional tent, trailer coach or automobile, when such is a part of the equipment of the same camping party: $2.50

   c. Improving campsites 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 25¢ 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 in 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 better carrying out and presentation of 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 (25¢) per day. (Apr. 21, 1933, c. 396, §1; Apr. 15, 1936, 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, societies, or individuals, 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 regulations 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 handcraft 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 provide 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 charge a fee of not to exceed 50¢ per person or party of not exceeding five persons for hire, canoes and power launches on 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. Exclusive operation 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.)

§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 club.
4607-5. 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 pertaining to the management of state parks. (Act Apr. 21, 1933, c. 396, §4.)

4607-6. 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, §5.)

4607-7. Forestry division to administer act.—The carrying out of the provisions and terms of this Act shall be under the direction of the division of forestry. (Act Apr. 21, 1933, c. 396, §7.)

4607-8. Inconsistent acts repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed. Provided however that this Act shall not supersede any Act relating to the management of Douglas Lodge. (Act Apr. 21, 1933, c. 396, §8.)

4607-9. Provisions separable.—The provisions of this Act shall be separable and if any provision hereof shall be declared invalid it shall not invalidate any provision hereof. (Act Apr. 21, 1933, c. 396, §9.)

4672. 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 Itasca State Park. (Act Mar. 25, 1933, c. 226, §6.)


4687. 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. (Act Apr. 21, 1933, c. 396, §10.)

4693-1. Boundaries of Itasca State Park.—That the boundaries of Itasca State Park, as established and created by General Laws 1905, Chapter 247, 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 situated 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 southeast corner of section eighteen (18), township one hundred eight (108) north of range twenty-seven (27) west, thence 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 fifty-four (354) feet; thence north forty-three (43) degrees thirty-six (36) minutes left (south seventy-six (76) degrees thirty (30) minutes east) four hundred seventy-four (474) feet; thence one hundred ten (110) degrees thirty-six (36) minutes left (south thirty-five (35) degrees west) one hundred forty-five (145) minutes west, twenty-three (23) feet to the place of beginning, containing about one and twenty acres of land. (Act Feb. 4, 1931, c. 7, §1.)

4693-6. Birch Cooley Battle Field State Memorial Park established.—That the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of section nineteen (19) and the northwest quarter (NW1/4) of the southwest quarter (SW1/4) 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 are 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.)

4693-7. 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.)

4693-8. Same.—Commission to be appointed by governor. That a commission be and the same hereby is created. Upon appointment the commission shall proceed to acquire land and pays therefor such commission is invested with power of eminent domain that part of the lands described in Section 1 [§§5804-8] 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 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, c. 75, §3.)

4693-7. Same.—Part of park to be cemetery. That upon final acquisition of 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 from time to time may be necessary, to be set aside, marked and dedicated 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...

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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; and 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.)

6508-94. Lake Shetek State Park—Appropriation for additional land.—The sum of $1,000.00 or so much thereof as may be necessary, in accordance with General Laws 1923, Chapter 149, and 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.)

6508-10. Same—State Auditor to acquire lands.—Said lands shall be acquired and said appropriation extended for the state auditor to the amount necessary 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. The act appointed a commission to carry the act into effect. (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 land 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 duties of acquiring or maintaining for state parks 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 acquiring and maintaining 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 283 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 to the southwest line of said Block Five of West Side Addition to the Village of Browns Valley, thence east 51 feet, thence north to the center of the Little Minnesota River, thence west 51 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 shall be forever the property 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, 1936, 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 (Section 26, Township 129, Range 20), 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 southwest corner of said Lot 9, thence follow the boundary of said Lot 9 in a straight line to the point of beginning, containing nearly three quarters of an acre in the southeast corner of said Lot 9.

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, §1.)

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, §2.)

6508-24. The Old Crossing—Executive council to accept lands. —The Executive Council is hereby authorized to accept in behalf of the United States of America and the Chippewa Indians, a deed of conveyance to Lot One (1), Section 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 payment of the sum of $7,500 or so much thereof as may be necessary for the acquisition of the state park area now commonly known as The Old Crossing, to commemorate the signing of a treaty on October 2nd, 1882, 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 Traverse des Sioux Memorial State Wayside is hereby 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 have no effect from its passage, and repeal 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 Southwest 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 dovage 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 for employment 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 so 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 (NE¼ NW¼), and the southeast quarter of the northeast quarter (SE¼ NW¼ NW¼), and the east half of the southeast quarter of the northeast quarter (E¼ SW¼ NW¼), and the west half of the southeast quarter of the northwest quarter (W¼ SE¼ NW¼), and the northwest quarter of the southwest quarter (NW¼ SW¼), and the west three-quarters of the northeast quarter of the southwest quarter (W¼ NW¼ SW¼), and the east half of the southeast quarter of the southwest quarter (W¼ NW¼ SW¼), and the west half of the southeast quarter of the southwest quarter (W¼ SE¼ SW¼), all of the above described lands being in Section 8, Township 105 north, Range 6 west.

Also, the northeast quarter of the northwest quarter of the northwest quarter (NE¼ NW¼ NW¼), and the northeast quarter of the northwest quarter (NE¼ NW¼) of Section 17.

Also, that part of the northeast quarter (NE¼) and the northeast quarter of the southeast quarter (NE¼ SE¼), more particularly described as follows: Commencing at the southeast corner of the northeast quarter of the southeast quarter (NE¼ SE¼), thence running north on the east line of said northeast quarter to the southeast corner of said northeast quarter (NE¼ SE¼), a distance of 300 feet; thence northwesterly 1075 feet to a point in the east and west quarter line of said northeast quarter, 900 feet east of the southeast corner of the southeast.
quarter of the northeast quarter (SE4 NE4); 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 (SW14 SE4); thence southwesterly to a point 560 feet east and 860 feet south of the northeast quarter 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 northeast quarter of the northwest quarter (NW14 NE4); thence east 330 feet; 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 (NE14 SW4); thence east to the point of beginning. All of the above described lands lying in Township 102 north, Range 6 west. Containing 344.17 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 (SE4 SW4) of Section 10, Township 139 north, Range 46 west.

Also, the southwest quarter of the southwest quarter (SW4 SW4) and the southeast quarter of the southwest quarter (SE4 SE4) of Section 10, Township 139 north, Range 46 west.

Also, commencing at the northeast corner of the southeast quarter of the southwest quarter (SE4 SW4), thence running north 700 feet along the north and south quarter line of said Section 11; thence west parallel to the north 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 (SE4 SW4) of Section 11; thence east along the north line of said southeast quarter of the southwest quarter (SE4 SW4) to the place of beginning.

Also, that part of the southeast quarter (SE4) of Section 11 described as follows: Commencing at the northeast corner of the southeast quarter of the northeast quarter (SE14 SE4), 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 in 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 (NW14) of Section 14, Township 139 north, Range 46 west, described as follows: Commencing at the northwest corner of said Section 14, thence 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 56 feet; thence west parallel to the north line of said section line a distance of 384 feet; thence north along the west line of said Section 14 to the point of beginning.

Containing 123 acres more or less.

(c) Buffalo 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 along the southwest quarter line of Section 33 a distance of 119.5 feet; thence south thirty-five degrees eighteen minutes thirty seconds west (S 36°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 east (S 60°34' E) 553.5 feet; thence south thirty degrees five minutes east (S 30°05' E) 405.28 feet; thence south eighty degrees forty-two minutes west (S 80°42' W) 220.74 feet; thence south forty-eight degrees thirty minutes west (S 48°30' W) 123.3 feet; thence north seventy degrees forty-one minutes thirty seconds west (N 70°41'30" W) 410.05 feet; thence south sixty-eight degrees forty-five minutes west (S 68°45'30" W) 593.47 feet; thence north seventeen degrees fifty-nine minutes forty-five seconds west (N 17°59'59" W) 125.1 feet; thence south sixty-two degrees five minutes west (S 62°05' W) 134.37 feet; thence north fifty-six degrees twenty-three minutes west (N 56°23' W) 305.19 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 5 to a distance of 674 feet; thence northeasterly to a point in the south sixteenth line of said Section 17, thence south twenty degrees forty-three minutes west (S 20°43' W) 305.19 feet; thence north forty-three degrees thirty-one minutes west (N 43°31' W) 585.6 feet; thence north twenty degrees four minutes west (N 20°04' W) 656.8 feet; thence north sixty-three degrees three minutes east (N 63°3' E) a distance of 279.98 feet; thence north thirty-eight degrees forty-three minutes east (N 38°43' 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 109 feet; thence south sixty-nine degrees eighteen minutes east (S 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

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north eighty-nine degrees thirty minutes east (N 59° 30' E) a distance of 127.27 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 93.93 feet; thence south fifty-five degrees thirty minutes east (S 55°30' E) a distance of 288.24 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. 276 of 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 245.3 feet; thence south forty-eight degrees twelve minutes east (S 48°12' E) a distance of 114.38 feet; thence south forty-three degrees forty-five minutes west (S 43°45' W) a distance of 285.02 feet; thence south forty-nine degrees forty-five minutes west (S 49°45' W) a distance of 132.0 feet; thence south twenty-three degrees twenty-one minutes fifty seconds east (S 23°21'50" E) a distance of 208.8 feet to the southwest corner of said Outlot 339; thence south fifty degrees fourteen minutes west (S 50°14' W) a distance of 107.3 feet; thence south fifty-two degrees east (S 52° E) a distance of 107.3 feet; thence north seventy-eight degrees thirty minutes west (S 78°30' W) a distance of 506.41 feet; thence north seventy-one degrees sixteen minutes west (S 71°16' W) a distance of 332.35 feet; thence north forty-three degrees forty-four minutes west (S 43°44' W) along the west line of Summit Avenue to the west line of Outlot 410; thence north forty-three degrees forty-four minutes west (S 43°44' W) a distance of 340 feet more or less to the point of beginning.

That portion of Section 6, Township 107 north, Range 40 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 east and west line of Lakeport Lot 2, thence south to a point 500 feet south of the north line of Section 6; thence west a distance of 620 feet; thence south forty-five degrees nineteen minutes west (S 45°19' W) a distance of 429.73 feet; thence south twenty-nine degrees twelve minutes west (S 29°12' W) a distance of 514.85 feet; thence south seven degrees fifteen minutes west (S 7°15' W) a distance of 193.48 feet; thence south forty-five degrees twenty minutes west (S 45°20' W) a distance of 397.47 feet; thence south twenty-three degrees twenty minutes west (S 23°20' W) a distance of 110.71 feet; thence south twenty-nine degrees fifteen minutes west (S 29°15' W) a distance of 305.90 feet; thence south fourteen degrees twenty minutes west (S 14°20' W) a distance of 243.78 feet; thence south twenty degrees four minutes west (S 20°04' W) a distance of 272.96 feet; thence south twenty-three degrees thirty minutes west (S 23°30' W) a distance of 280.40 feet; thence north forty-five degrees ten minutes (N 45°10' W) a distance of 325 feet; thence on an east one hundred ten rods to the southeast quarter of Section 1, thence north eighty-nine degrees twenty-three minutes west (N 89°23' W) a distance of 815 feet; thence north one rod; thence northwesterly to the point of beginning.

Containing 130.62 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 quarter line of said Section 2, excepting therefrom the following parcel of land, to wit: Commencing at the northeast corner of the said Section 2, thence west a distance of 140 feet; thence southwesterly 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 Section 13, thence east along the south line of said Section 13 a distance of 685.22 feet; thence south forty degrees fifty-eight minutes east (S 40°58' E) a distance of 341.85 feet; thence south seven degrees forty-three minutes west (S 7°43' W) a distance of 429.79 feet; thence south twenty-nine degrees five minutes east (S 29°05' E) a distance of 534.55 feet; thence south sixty-eight degrees forty-two minutes east (S 68°42' E) a distance of 534.55 feet; thence south six degrees thirty minutes (S 6°30') curve to the right with a central angle of fifty-five degrees ten minutes (55°10') a distance of 230.4 feet; thence north forty-five degrees three minutes west (N 45°3' W) a distance of 350 feet or more to the north line of said Section 1.

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 northwest quarter of Section 24, Township 125 north, Range 42 west, and the east 660 feet of the south quarter of Section 13, Township 124 north, Range 42 west, containing 194.90 acres more or less.

Also, a triangular tract in the southwest quarter of the southeast quarter of Section 24, Township 125 north, Range 42 west, containing 194.90 acres more or less.

Also, a triangular tract in the southwest quarter of the southeast quarter of Section 13, Township 124 north, Range 42 west, containing 194.90 acres more or less.

Also, a strip of land in the north half of Section 1, Township 107 north, Range 41 west, containing 194.90 acres more or less.

Also, Government Lot 2 in Section 36, Township 120 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 Keely Island.

A strip of land in the north half (N 1/2) of Section 1, Township 107 north, Range 41 west, lying 32 feet on either side of the following described line: Commencing at a point 3201.75 feet east and 210.89 feet south of the northwest corner of said Section 1, thence north eighty-nine degrees nine minutes west (N 89°09' W) a distance of 325 feet; thence on an eight degree (8°) curve to the left with a central angle of thirteen degrees twenty-three minutes (13°23') a distance of 245.5 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 230.4 feet; thence north forty-five degrees three minutes west (N 45°3' W) a distance of 350 feet or more to the north line of said Section 1.

Containing 130.62 acres more or less.

(h) 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 quarter line of said Section 2, excepting therefrom the following parcel of land, to wit: Commencing at the northeast corner of the said Section 2, thence west a distance of 140 feet; thence southwesterly to the point of beginning.

Containing 198.95 acres more or less.

(i) 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 Section 13, thence east along the south line of said Section 13 a distance of 685.22 feet; thence south forty degrees fifty-eight minutes east (S 40°58' E) a distance of 341.85 feet; thence south seven degrees forty-three minutes west (S 7°43' W) a distance of 429.79 feet; thence south twenty-nine degrees five minutes east (S 29°05' E) a distance of 534.55 feet; thence south sixty-eight degrees forty-two minutes east (S 68°42' E) a distance of 534.55 feet; thence south six degrees thirty minutes (S 6°30') curve to the right with a central angle of fifty-five degrees ten minutes (55°10') a distance of 230.4 feet; thence north forty-five degrees three minutes west (N 45°3' W) a distance of 350 feet or more to the north line of said Section 1.

Containing 194.90 acres more or less.

(j) Pomme de Terre Recreation Reserve, located in Stevens County, and described as follows:

Parcels of land in the west 660 feet of the northwest quarter of Section 24, Township 125 north, Range 42 west, and the east 660 feet of the south quarter of Section 13, Township 124 north, Range 42 west, containing 194.90 acres more or less.

Also, a triangular tract in the southwest quarter of the southeast quarter of Section 24, Township 125 north, Range 42 west, containing 194.90 acres more or less.

Also, a strip of land in the north half (N 1/2) of Section 1, Township 107 north, Range 41 west, lying 32 feet on either side of the following described line: Commencing at a point 3201.75 feet east and 210.89 feet south of the northwest corner of said Section 1, thence north eighty-nine degrees nine minutes west (N 89°09' W) a distance of 325 feet; thence on an eight degree (8°) curve to the left with a central angle of thirteen degrees twenty-three minutes (13°23') a distance of 245.5 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 230.4 feet; thence north forty-five degrees three minutes west (N 45°3' W) a distance of 350 feet or more to the north line of said Section 1.

Containing 130.62 acres more or less.

(k) 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 quarter line of said Section 2, excepting therefrom the following parcel of land, to wit: Commencing at the northeast corner of the said Section 2, thence west a distance of 140 feet; thence southwesterly to the point of beginning.

Containing 198.95 acres more or less.
quarter (NE¼ NW¼); 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 1250 feet west and 500 feet south of the north quarter corner of said Section 12; thence north 500 feet to the north line of Section 12; thence east along said north line to the point of beginning.

Excepting therefrom all public highways;

Containing 333.51 acres more or less.

(b) Split Rock Recreation Reserve, located in Pine 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 along said west quarter line to the south said quarter line to the south line of said Section 16; thence west along said sixteen line 529 feet; thence northwesterly to the east and west quarter line and the west sixteenth line of said Section 15; thence 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, 247 feet; thence northwesterly to a point which is 292 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 30 feet; thence southeasterly to a point 684 feet south and 275 feet east of the northwest corner of said Section 15; thence along said south quarter line to a point 242 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, 247 feet; thence northwesterly to a point which is 292 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.

Containing 227.64 acres more or less.

(1) Two Rivers State Park, located in Kittson County, and described as follows:

Beginning at a point on the west line of the southwest quarter (SW¼) of Section 34, Township 161 north, Range 46 west, that is 650 feet north of the southwest corner thereof; thence northeasterly to the northeast corner of said southwest quarter (SW¼); thence west along the north line of said southwest quarter (SW¼); thence south along the west line of said southwest quarter (SW¼) to the place of beginning.

Also, that portion of Section 5, Township 169 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 (S½ NE¼) and south half of the northwest quarter (S½ NW¼) of Section 22, Township 54 north, Range 9 west;

Lot 2 of Section 22, Lot 1 of Section 27; northeast quarter of southeast quarter of Section 22, southeast quarter of southwest quarter (SW¼ NW¼) of Section 34, northeast quarter of southeast quarter of Section 22, and north half of the northwest quarter (NW¼ NW¼) of Section 27, all in Township 54, north Range 9 west.

Containing 677.53 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 and that the state would agree 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 that no state funds are 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 designated 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 the Joseph R. Brown Memorial Park. (July 23, 1937, Sp. Ses., c. 87, §2.)

STATE FORESTS


Tax delinquent lands located within boundaries of state forests created by Laws 1933, c. 415, and Laws 1935, c. 372, and also lands in forest area created by Laws 1917, c. 418, suitable for forest purposes, are not subject to sale after title has reverted to state in fee under Laws 1932, c. 399-6, §6. Op. Atty. Gen. (706a-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 conveyance to the state of the lands approved by the commissioner, situated in the counties bordering on said waters; provided, that in 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.
§6513-2  Commission of forestry to have charge of state forests.—The commissioner of forestry and fire prevention shall have charge of the 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.)
perform all the duties vested in or imposed upon the state auditor by Laws 1925, Chapter 276, Sections 32 and 33 [§§6534-32, 6594-33], or by any other law relating to trespass or unlawful cutting or removal of timber upon state forest lands or 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 trespasses and unlawful cutting or removal of timber upon the state forest lands or 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 said matters upon other state lands. Except as herein otherwise provided, all trespasses and unlawful cutting or removal of timber upon state forest lands or timber upon other state lands 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, however, that such leases or permits may 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 commissioner 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. 26, 1931, c. 263, §4.)


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 proceeding affecting the laying out of such 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 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 the executive council. (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 which may be received from lands acquired by the State within the areas which have been designated or which may be received from lands 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 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 1923, c. 419, is governed by §4631-104b. Op. Atty. Gen. (700a-9), Jan 3, 1938.

Receipts from leases on 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 the auditor and treasurer may deem necessary for the purposes of carrying out the provisions of this act. (Act Apr. 17, 1933, c. 313, §4.)


6522-1. State lands within Minnesota National Forest constituted state forests. State school lands and other public lands described in §§6522-1, 6522-2, which have not been expressly withdrawn from sale and created and reserved as state forests, on reversion to the state, could again be sold for tax delinquency under §6525. Op. Atty. Gen. (203L-1), July 18, 1936.

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, 29, Township 156, Ranges 25, 26, 27, 28, 29, 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; Township 159, Ranges 24, 25, 26, 27, Township 65, Ranges 24, 25, 26, 27, Township 66, Ranges 26 and 27, Township 67, Ranges 26 and 27, Township 54, Range 29, Township 64, Range 21 east of the Nett Lake Indian Reservation designated by the Act of 1887, Ranges 61 and 62, Range 17, Township 64, Ranges 12, 13, 14 and 15, Township 55, Ranges 13, 14 and 15, Township 42, Ranges 18, 17 and 18, Township 41, Ranges 16, 17 and 18, 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 24, Township 60 and 61, Range 25, west of the 4th Principal Meridian, Section 16, Township 135, Range 32, Township 134, Range 30, 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 half of Township 142, Range 31, the northeast sixth of Township 137, Range 32, Township 138, Range 31, the north one-half of Township 158, Ranges 33, 34, and 35, Township 156, Ranges 33, 34 and 35, the south one-half of Township 156, Ranges 33 and 35, and 36, Township 156, Range 5, not now included in the Finland State Forest, subject to all the laws, rules and regulations of said State Forest. (Apr. 5, 1937, c. 163, §2.)

6522-8. 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 by account of default after sale therefore made to an individual, 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, 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 and all right of any 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. 9, 1931, c. 233, §1.)

6522-4. Certain lands added to state forest.—All lands and water now owned or hereafter acquired by the state in Township 55 North, Range 5; all that portion of Township 57 North and 58 North, Range 6, not now included in the Finland State Forest; Township 58 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 ⅓ 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 said state forest, subject to all the laws, rules and regulations of said State Forest. (Apr. 5, 1937, c. 163, §3.)

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, §1.)

6522-6. Same.—All lands and water now owned or hereafter acquired by the state in 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, §2.)
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 raised pursuant to regulations established by commissioner of conservation, at public or private sale; but it shall be the duty of the commissioner to designate any lands where no designation is made required to be paid into general revenue fund. Op. Att'y Gen., (706d-31), 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 deposited in the State Treasury and be credited to the State Forest Fund and the same is hereby allocated annually reapportioned for the use of the Commissioner of Conservation in the acquisition, development, and use of such leased lands until all liabilities incurred thereon shall be paid in full. Theretofore 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 solely and exclusively as herefore 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 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, §5.)

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 of its agencies thereof that a loan has been made to any 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. 259). (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 auditor 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 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.)