

MINNESOTA STATUTES 1953 ANNOTATIONS

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STATE FORESTS; TREE PLANTING 89.021

88.644 PERMIT REQUIRED

HISTORY. 1949 c 546 s 4.

88.645 ENFORCEMENT

HISTORY. 1949 c 546 s 5.

88.646 RECORD OF TRANSPORTATION PERMITS

HISTORY. 1949 c 546 s 6.

88.647 RELATION TO EXISTING LAWS

HISTORY. 1949 c 546 s 7.

88.648 FALSE STATEMENT; GROSS MISDEMEANOR; MISDEMEANOR

HISTORY. 1949 c 546 s 8.

88.649 PERMITS; FEES

HISTORY. 1949 c 546 s 9.

88.65-88.72 Repealed, 1949 c 546 s 10.

88.78 APPEALS

A bargain which tends to the violation of law is invalid as against public policy. Where a bargain for exemption from liability by a common carrier does not relate to duties imposed on carrier by law independent of contract, a contract for indemnity against the exempted liability is lawful, and so also is one for exemption from liability. Public policy permits railroads to procure insurance to protect themselves against losses which may be sustained in negligent operation of their business. *Petit Grain Co. v Northern Pacific Ry. Co.*, 227 M 225, 35 NW (2d) 127.

88.79 STATE FOREST SERVICE TO PRIVATE OWNERS

HISTORY. 1947 c 580 s 1.

CHAPTER 89

STATE FORESTS; TREE PLANTING

89.02 Repealed, 1943 c 171 s 10.

STATE FORESTS

89.021 STATE FORESTS ESTABLISHED

HISTORY. 1943 c 171 s 1; 1943 c 305 s 1; 1943 c 550 s 1-3; 1945 c 79 s 1; 1951 c 61 s 1; 1953 c 292 s 1; 1953 c 383 s 1.

Lands formerly controlled by the department of rural credit and now operated by the division of forestry are not a part of the state forests and are subject to sale

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since otherwise there would be an impairment of a contract obligation. OAG May 21, 1951 (770).

Where trust fund lands were acquired by condemnation proceedings at the instance of the state and became part of a state forest project, the lands, except as to mineral reservations, are no longer trust fund lands, but are state owned lands free from any trust. OAG Aug. 14, 1950 (983-M).

89.035 INCOME PAID INTO STATE TREASURY

Lands conveyed to the state by deed containing conditions subsequent are burdened with the condition and the legislature is without power to enact a law effective to render inoperative such condition contained in the deed. OAG Sept. 30, 1949 (983-E).

Lands conveyed to the state by deed for forestry purposes containing a condition subsequent are burdened with the conditions and the legislature is without power to enact a law effective to render inoperative such condition contained in the deed. OAG June 18, 1951 (983-E).

89.04-89.07 Repealed, 1943 c 171 s 10.

89.08 Repealed, 1947 c 94 s 7.

89.09-89.11 Repealed, 1943 c 171 s 10.

89.18 PERMIT FOR ROADS

Generally land already devoted to a public use cannot in proceedings in eminent domain, without express or implied grant, be taken for another and inconsistent public use. State trust fund lands not actually used cannot be taken by condemnation proceedings; but such lands not in use and presently subject to sale, may be taken by condemnation proceedings. OAG March 12, 1953 (700-D-7).

89.201 STATE FOREST TRUST FUND LANDS

HISTORY. 1953 c 741 s 60.

89.24, 89.25 Repealed, 1943 c 171 s 10.

TREE PLANTING

89.31 REFORESTATION; TREE PLANTING

HISTORY. 1945 c 535 s 1; 1949 c 321 s 1.

STATE NURSERIES

89.37 DISTRIBUTING PLANTING STOCK

HISTORY. 1947 c 94 s 3; 1953 c 580 s 1, 2.

89.40 DISPOSING OF SURPLUS PLANTING STOCK

HISTORY. 1947 c 94 s 6; 1949 c 380 s 1.

89.41 EDUCATIONAL UNITS MAY ESTABLISH AND MAINTAIN FORESTS

HISTORY. 1949 c 431 s 1.

A school district acts through its board. If and when the board is determined to acquire land for a school forest, its determination should be evidenced by a resolu-

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tion incorporated in the minutes. Whether the land is to be acquired from the state by action of the tax commissioner, or from another source, is immaterial so far as the action of the school is concerned. The resolution should describe the land to be acquired. It should state the purchase price, if any. If the land is to be acquired from the commissioner of taxation, the procedure must conform to the procedure which the law requires before a conveyance is made. Approval of the commissioner of conservation should be obtained under the provisions of section 89.41. OAG Sept. 19, 1951 (983-E).

The state teachers college is not an entity and cannot hold title to real property. The title to the real property which comprises a state teachers college is vested in the state. In order that tax-forfeited land might be appropriated for the use of a state teachers college the college board must approve the establishment and maintenance of a forest upon the lands for use by the college; or the commissioner of conservation must approve the establishment and maintenance of such forest and appropriate action must be taken by the county board as required by section 282.01, subdivision 1, with reference to such lands. OAG Dec. 31, 1953 (983-E).

89.42 SALE OF FOREST PRODUCTS

HISTORY. 1949 c 431 s 2.

There is no authority authorizing a school district which maintains a school forest to prevent F. F. A. members to sell timber and give proceeds to F. F. A. OAG July 29, 1953 (159-A-10).

CHAPTER 90

TIMBER LANDS

90.01 DEFINITIONS

HISTORY. 1862 c 62 s 32, 34, 36-38; 1864 c 15 s 1, 2; 1867 c 77 s 8, 9, 11, 14, 15, 31, 33-37, 45-52; 1873 c 33 s 1; 1874 c 35 s 1; 1877 c 56 s 4, 10-16; 1905 c 204 s 1-27, 29-43; 1909 c 342; 1909 c 476; 1911 c 194; 1913 c 114; 1913 c 383; 1913 c 530; 1917 c 162 s 1; 1925 c 276 s 2.

90.02 Unnecessary.

90.07 TRESPASS ON STATE LANDS

HISTORY. 1862 c 62 s 32-37; 1864 c 15 s 1; 1895 c 163; 1905 c 204 s 1-6; 1925 c 276 s 3; 1937 c 368 s 1.

90.11 POWERS OF EXECUTIVE COUNCIL

HISTORY. 1919 c 488 s 1; 1925 c 276 s 8; 1933 c 375 s 1; 1937 c 368 s 2; 1939 c 32.

NOTE: See Laws 1951 c 69 s 1.

90.125 TIMBER DEVELOPMENT, FUNDS

HISTORY. 1951 c 365 s 1-3.

90.13 STATE TIMBER, SALES

HISTORY. 1925 c 276 s 10; MS 1927 s 6394-10; 1939 c 352; 1949 c 182 s 1; 1951 c 662 s 1.

90.14 Repealed, 1943 c 60 s 12.