

MINNESOTA STATUTES 1953 ANNOTATIONS

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SALES AND INVESTMENT OF PROCEEDS 92.03

91.11 TRANSFER OF LOGS; SCALE BILL; DELIVERY

HISTORY. 1858 c 80 t 2 s 7; 1862 c 74 s 4.

91.12 RECORDING

HISTORY. 1858 c 80 t 2 s 8, 9; 1862 c 74 s 5, 6; 1877 c 18 s 3; 1903 c 346 s 3.

91.13 BOOKS OF RECORD; EVIDENCE

HISTORY. 1858 c 80 t 2 s 9, 11; 1862 c 74 s 6; 1877 c 18 s 3.

91.14 TRANSFERS; RECORD AND EFFECT

HISTORY. 1858 c 80 t 2 s 13; 1862 c 74 s 8.

91.15 INVALID WITHOUT RECORD; CERTIFICATES AS EVIDENCE

HISTORY. 1858 c 80 t 2 s 11, 14; 1862 c 74 s 9; 1871 c 28 s 4.

91.16 RECORDS OF LOG MARKS; EFFECT

HISTORY. 1858 c 80 t 2 s 12; 1862 c 74 s 7; 1875 c 82 s 1.

91.19 TRANSFERS; LOGS, WHEN DEEMED ABANDONED

HISTORY. 1858 c 80 t 2 s 12; 1862 c 74 s 7; 1875 c 82 s 1.

91.20 STEALING LOGS; CHANGING MARKS

HISTORY. 1858 c 80 t 2 s 17; 1895 c 35, 36.

91.21 RECEIVER LIKEWISE GUILTY

HISTORY. 1858 c 80 t 2 s 4.

91.22 FALSIFYING SCALE BILL

HISTORY. 1895 c 344.

91.23 SIDE BOOMS

HISTORY. 1858 c 80 t 2 s 16; 1862 c 74 s 10; 1885 c 104 s 1.

91.24 WILFULLY INJURING BOOMS

HISTORY. 1858 c 80 t 2 s 16; 1862 c 74 s 10; 1885 c 104 s 2.

LANDS AND MINERALS

CHAPTER 92

SALES OF LANDS, INVESTMENT OF PROCEEDS

92.03 MINIMUM PRICE OF LANDS

HISTORY. 1862 c 62 s 7; 1863 c 12 s 1; 1868 c 55 s 1; 1877 c 56 s 2; 1885 c 102 s 2; 1895 c 163 s 8; 1917 c 76 s 1; 1919 c 258 s 1.

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92.04 SALES AND INVESTMENT OF PROCEEDS

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Under the provisions of Laws 1947, Chapter 278, Section 4, Subdivision 1, all expense incurred in appraising, advertising or selling rural credit lands may be charged to and paid out of the rural credit expense fund in the same manner in which administrative expense is generally paid. OAG Jan. 14, 1948 (770).

92.04 MINIMUM PRICE OF CERTAIN STATE LANDS

HISTORY. 1865 c 5 s 3; 1875 c 95 s 3; 1901 c 177; 1907 c 366 s 1; 1909 c 118 s 1.

Under the provisions of Laws 1947, Chapter 278, Section 4, Subdivision 1, all expense incurred in appraising, advertising, or selling rural credit lands may be charged to and paid out of the rural credit expense fund in the same manner in which administrative expense is generally paid. OAG Jan. 14, 1948 (770).

In the sale of rural credit lands, such lands do not come within the classifications or limitations of sections 92.03 and 92.04; but do come within the price limitation of \$5 per acre under the provisions of section 92.12. OAG Jan. 14, 1948 (770).

92.05 SALT LANDS, BY WHOM SOLD

HISTORY. 1873 c 133 s 1; 1885 c 215; 1889 c 267 s 2.

92.06 PAYMENTS; INTEREST

HISTORY. 1862 c 62 s 8, 11, 14; 1877 c 56 s 3; 1885 c 195; 1893 c 106 s 1; 1901 c 91; 1915 c 13 s 1; 1941 c 374 s 2.

The certificate of sale of state trust fund lands is canceled and all rights of the purchaser terminated 60 days after the date of cancelation on June 1, 1949. On August 1, 1949, the land covered by the certificate of sale became unsold trust fund land, which could be sold only in compliance with the provisions of Minnesota Constitution, Article VIII, Paragraph 2. OAG Sept. 24, 1951 (700-D-6).

92.07 SALES BY SUBDIVISIONS

HISTORY. 1862 c 62 s 31.

The largest government subdivision that may be sold in one sale is a quarter section and that subdivision may not be broken up in making a sale except as otherwise provided by statute. OAG Feb. 17, 1938 (700-D-28).

92.08 SURVEYS AND RESURVEYS

HISTORY. 1862 c 62 s 23; 1917 c 197 s 1.

92.09 LAND SUBDIVIDED; APPRAISED, REAPPRAISED

HISTORY. 1862 c 62 s 23; 1917 c 197 s 1; 1947 c 213 s 1.

92.10 MAPS AND PLATS

HISTORY. 1862 c 62 s 25; 1911 c 123 s 5.

92.11 LANDS APPRAISED

HISTORY. 1895 c 163 s 8; 1927 c 241 s 1; 1947 c 213 s 2.

92.12 APPRAISAL OF SCHOOL AND OTHER STATE LANDS

HISTORY. 1911 c 90 s 5; 1911 c 196 s 1; Ex1919 c 17 s 1; 1927 c 332 s 1; Ex-1933 c 22 s 1; 1941 c 374 s 3.

NOTE: Section 94.05 is renumbered section 92.12, subdivision 3.

Rural credit lands transferred to the control and administration of the division of lands and minerals under the provisions of section 41.041 are not to be sold at a

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price of less than \$5 per acre. Sales of this character are controlled by section 92.12. OAG Jan. 14, 1948 (770).

92.163 EXTENSION FOR PAYMENT ON STATE LAND CERTIFICATES

Where the purchaser of trust fund loans dies, upon his death his heirs become tenants in common and one of the heirs having an interest in the certificate and being a holder of the certificate has a right to make the necessary payment, file an application for extension and surrender the certificate in accordance with the terms of section 92.163. A new certificate modifying the original certificate in accordance with the facts may be issued. OAG Jan. 24, 1951 (700-D).

92.165 CERTIFICATE OF RELEASE

The word "accruing" does not mean a tax secured by a lien in favor of the state. It means a liquidated, fixed, and payable demand. OAG Oct. 7, 1949 (425-C-17).

92.17 EFFECT OF CERTIFICATE; RECORD

HISTORY. 1862 c 62 s 13, 18.

92.20 VOID SALES; REFUNDS

HISTORY. 1862 s 28.

92.21 REDEMPTION OF FORFEITED STATE LANDS

HISTORY. 1862 c 62 s 20; 1877 c 56 s 5; 1885 c 64; Ex1934 c 39 s 2; 1939 c 353; 1941 c 374 s 5.

92.23 PAYMENTS; RECEIPTS; LIABILITY OF OFFICIALS

HISTORY. 1862 c 62 s 39; 1877 c 56 s 6; 1929 c 200 s 1; 1941 c 374 s 11.

92.24 MONEYS PAID TO STATE TREASURER

HISTORY. 1862 c 62 s 45; 1864 c 15 s 4; 1877 c 56 s 9; 1945 c 382 s 1.

92.25 FEES OF TREASURER; STANDING APPROPRIATION

HISTORY. 1862 c 62 s 40; 1877 c 56 s 7; 1885 c 102 s 4; 1949 c 125 s 1.

Where rural credit lands are transferred to the division of lands and minerals in the manner provided by section 41.041, any fee payable to the county treasurer as provided in section 92.25 is an item of expense, chargeable to the rural credit expense fund. OAG Jan. 14, 1948 (770).

92.26 STATEMENT OF SALES

HISTORY. 1862 c 62 s 44.

92.27 COUNTY AUDITORS; DUTIES AND POWERS

HISTORY. 1862 c 62 s 42; 1864 c 15 s 3; 1877 c 56 s 8.

92.28 PROCEEDS OF SALES; DISTRIBUTION

Moneys derived from swamp lands other than those derived from sales thereof, or from the proceeds of the principal of permanent swamp land trust fund, are credited in accordance with the provisions of Laws 1945, Chapter 169, Sections 1 to 3, coded as section 92.165. OAG Sept. 17, 1947 (454-E).

All moneys derived from swamp lands other than those derived from sales thereof or from the proceeds of the principal of permanent swamp land trust fund shall

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92.29 SALES AND INVESTMENT OF PROCEEDS

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be credited in accordance with section 92.28. This was a practical construction by the legislature that Minnesota Constitution, Article IV, Section 32(b), does not make provisions for disposition of such moneys and that construction, at a time relatively close to the time of adoption of the constitution is entitled to great weight. OAG Sept. 17, 1947 (454-E).

92.29 LAND PATENTS

HISTORY. 1895 c 163 s 4; 1935 c 368 s 1.

92.38 Renumbered 94.341.

92.39 Renumbered 94.342.

92.40 Renumbered 94.343.

92.41 Renumbered 94.344.

92.42 Renumbered 94.345.

92.43 Renumbered 94.346.

92.44 Renumbered 94.347.

92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE; EXCEPTION

HISTORY. 1923 c 430 s 11; 1927 c 330 s 1; 1929 c 21 s 1; 1951 c 20 s 1.

Forfeited lands in conservation area which are the absolute property of the state are subject to the provisions of section 92.45, but tax-forfeited lands which are held in trust by the state for the interested taxing subdivisions are not subject to the provisions of section 92.45. OAG April 7, 1952 (983-M).

Except in the case of state-owned lands where a two rod strip is reserved the public has no right to walk along the shore of navigable waters without permission of the riparian owner of the land along said shore. OAG April 10, 1952 (273-A-18).

92.461 PEAT LANDS

HISTORY. 1949 c 453 s 1, 2.

92.50 UNSOLD LANDS SUBJECT TO SALE MAY BE LEASED

HISTORY. 1915 c 192 s 1; 1917 c 31 s 1; 1919 c 405 s 1; 1945 c 321 s 1; 1947 c 323 s 1; 1953 c 328 s 1.

Where a tract of land in a conservation area, established under sections 84A.20 to 84A.30, is sold to a private individual under the provisions of sections 282.14 to 282.22, subject to a reservation of minerals, sand and gravel are not included in the reservation. OAG Aug. 13, 1946 (311-J).

A permit for the construction of dykes in conjunction with mining ore to prevent seepage of lake water into the mining pit cannot be granted except under direct legislative authority. OAG Jan. 3, 1947 (311-D-5).

92.51 LANDS SOLD ARE TAXABLE; REDEMPTION; SPECIAL CERTIFICATE

HISTORY. 1862 c 62 s 24; 1870 c 50 s 1; 1909 c 114 s 1.

In case of redemption of lands assigned by the state and where the proceeds are payable through the state trust fund the owner must pay in addition to delinquent

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taxes the amounts paid by the holder of the certificate for interest and principal being at the rate of 12 percent per annum. OAG May 14, 1947 (421-A-9).

92.58 Repealed, 1943 c 321 s 2.

92.60, 92.61 Repealed, 1943 c 321 s 2.

92.62 **EXPENSES; HOW PAID**

HISTORY. 1862 c 62 s 27.

CHAPTER 93

MINERAL LANDS

93.01 MINERALS, WATER POWERS; RESERVATION

HISTORY. 1866 c 36 s 1-4; 1867 c 24 s 1-13; 1889 c 22 s 1-9; 1901 c 104 s 1, 2; 1909 c 109 s 1.

93.04 DISPOSITION OF MINERALS RESERVED

Where a tract of land in a conservation area, established under sections 84A.20 to 84A.30, is sold to a private individual under the provisions of sections 282.14 to 282.22, subject to a reservation of minerals, sand and gravel are not included in the reservation. OAG Aug. 13, 1946 (311-J).

Marl is a mineral within the meaning of constitutional and statutory provisions creating mineral reserves in favor of the state. OAG Feb. 28, 1951.

93.05 HOLDER OF PERMIT OR LEASE

HISTORY. 1907 c 411 s 1, 2; 1949 c 593 s 1.

93.055 ACTION TO QUIET TITLE TO LANDS COVERED BY MINERAL PERMIT OR LEASE

HISTORY. 1949 c 594 s 1.

93.06 RESERVATION OF MINERALS UNDER NAVIGABLE LAKES

Ownership of beds of navigable waters and power to convey mineral rights when the state has title. 32 MLR 484, 534.

Reservation of minerals under navigable lakes. 33 MLR 48.

The state cannot sell or lease beds of lakes except upon express authority given by the legislature. OAG Jan. 3, 1947 (311-D-5).

93.08 PROSPECTING FOR MINERALS UNDER WATERS OF MEANDERED LAKES AND STREAMS

HISTORY. Ex1936 c 42 s 1-4; 1947 c 473 s 1, 2; 1953 c 537 s 1.

A permit for the construction of dykes in conjunction with mining ore to prevent seepage of lake water into the mining pit cannot be granted except under direct legislative authority. OAG Jan. 3, 1947 (311-D-5).