

MINNESOTA STATUTES 1953 ANNOTATIONS

94.347 LANDS, STATE FORESTS

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94.347 CERTAIN LANDS SUBJECTED TO LIKE TRUSTS

HISTORY. 1941 c 393 s 8.

94.35 Renumbered 92.461, Subdivision 2.

94.351 ESCHEAT SUBJECT TO ENCUMBRANCE

HISTORY. 1903 c 192 s 1.

94.45 UNITED STATES SURVEY; DAMAGES

Federal government; state governments; natural resources. 37 MLR 569.

94.521 DISTRIBUTION OF MONEYS RECEIVED FROM FEDERAL GOVERNMENT

HISTORY. 1947 c 336 s 1.

NOTE: The acts of Congress referred to in section 94.521 are generally referred to as the Taylor Grazing Act of 1934 and the Flood Control Act of 1938.

94.522 TRANSMISSION OF WARRANTS TO COUNTY TREASURERS; USE OF PROCEEDS

HISTORY. 1947 c 336 s 2.

94.53 WARRANT TO COUNTY TREASURERS; FEDERAL LOANS TO COUNTIES

Where the federal government under Public Law 733 paid \$43,547.71, which was deposited in the state treasury, and where the "fair appraised value" of lands involved in the counties of Cook, Lake, and St. Louis had been obtained, the state auditor has the authority to draw his warrants on the state treasury payable to the several counties in the amounts to which they respectively are entitled. OAG May 24, 1950 (24-A).

GAME AND FISH

CHAPTER 97

DIVISION OF GAME AND FISH

97.01-97.39 Repealed, 1945 c 248 s 7.

97.40 DEFINITIONS

HISTORY. 1945 c 248 s 1; 1947 c 300 s 1; 1947 c 609 s 1; 1949 c 150 s 1; 1949 c 388 s 1-3; 1951 c 155 s 1.

97.41 CONSTRUCTION

HISTORY. 1945 c 248 s 1; 1949 c 150 s 2.

97.42 OWNERSHIP OF WILD ANIMALS, AQUATIC VEGETATION

HISTORY. 1945 c 248 s 1; 1949 c 150 s 3.

97.43 GENERAL RESTRICTIONS

HISTORY. 1945 c 248 s 1; 1949 c 150 s 4.

The title to all wild animals except where they have been lawfully acquired under the provisions of Laws 1949, c 150, remains in the state and any fish unlawfully taken by a licensed commercial fisherman belongs to the state and the fisherman acquires no title thereto and he cannot sell or give said fish away. OAG Dec. 4, 1952 (211-B-5; 211-A-8).

97.44 POSSESSION RESTRICTED

HISTORY. 1945 c 248 s 1; 1949 c 104 s 1; 1949 c 150 s 5.

97.45 TRANSPORTATION RESTRICTED

HISTORY. 1945 c 248 s 1; 1947 c 609 s 2, 3; 1949 c 150 s 6; 1953 c 51 s 1; 1953 c 534 s 1.

A person charged with taking deer in a closed season may also be prosecuted for hunting without a license. If convicted of killing and transporting a deer in a closed season, the automobile used may be confiscated. OAG Aug. 24, 1951 (208-G-13).

97.46 CONFISCATION OF COMINGLED GOODS

HISTORY. 1945 c 248 s 1; 1949 c 150 s 7.

97.47 WANTON WASTE

HISTORY. 1945 c 248 s 1; 1949 c 150 s 8.

97.48 COMMISSIONER, GENERAL POWERS

HISTORY. 1945 c 248 s 1; 1947 c 469 s 1; 1947 c 609 s 4, 6; 1949 c 150 s 9; 1949 c 407 s 1; 1949 c 671 s 1; 1951 c 135 s 1; 1951 c 349 s 1; 1951 c 572 s 1; 1953 c 171 s 1; 1953 c 280 s 1.

An action by the state commission to condemn the land owned by a resident in another state is not removable to the federal court on the ground that it involves a suit between "citizens" of another state. The commission, a constitutional department of the state, is exercising a part of the state's sovereign power, and the action was, in effect, brought by the state which is not a citizen. *Arkansas Commission v Wrape*, 76 F. Supp. 323.

Where in an application for a rough fish removal contract the applicant misrepresents his interest in the contract by representing himself as the party in interest when in fact it is an undisclosed partnership arrangement between contractor and another party or other parties on an agreement to assign the contract or divide the profits therefrom with others, such misrepresentation constitutes a material breach of the contract. OAG Nov. 20, 1947 (211-C-10).

The commissioner of conservation may purchase lands for the purpose of establishing hunting grounds and game refuges without the approval of the executive council. OAG June 6, 1947 (983-M).

Persons employed as bullhead fishermen under provisions of section 97.48, subdivision 4 are employees of the state. OAG June 8, 1948 (331-A-7).

A person charged with taking deer in a closed season may also be prosecuted for hunting without a license. If convicted of killing and transporting a deer in a closed season, the automobile used may be confiscated. OAG Aug. 24, 1951 (208-G-13).

The right of way acquired by the commissioner of conservation for access to public waters is not a public highway such as a state trunk highway or a county highway but so long as said road is open for use, the public has the right to use

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said road under such reasonable regulation as may be prescribed by the commissioner. OAG Dec. 4, 1952 (273-A-1).

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).

97.49 FUNDS

HISTORY. 1945 c 248 s 1; 1949 c 150 s 10; 1953 c 336 s 1; 1953 c 741 s 38.

97.50 POLICE POWERS

HISTORY. 1945 c 248 s 1; 1947 c 609 s 7; 1949 c 150 s 11.

Evidence was insufficient to overcome a son's prima facie ownership of automobile arising from registration thereof under motor vehicle law in son's name, and presumption of gift to son by father arising from payment of purchase price of automobile by father and transfer of title to and delivery thereof to son, and hence father could not interpose defense of ownership in proceeding by state to forfeit automobile which son had used in spotlighting deer. State v One Oldsmobile, 227 M 280, 35 NW(2d) 525.

In construing the meaning of section 97.50, a tractor is a "motor vehicle." OAG Jan. 2, 1947 (210-D-2).

97.51 REWARDS

HISTORY. 1945 c 248 s 1; 1949 c 150 s 12.

97.52 ASSISTANCE TO AND OBSTRUCTION OF COMMISSIONER

HISTORY. 1945 c 248 s 1; 1949 c 150 s 13.

97.53 PUBLICATION OF ORDERS AND LAWS

HISTORY. 1945 c 248 s 1; 1949 c 150 s 14.

97.54 PROSECUTIONS AND BURDEN OF PROOF

HISTORY. 1945 c 248 s 1; 1949 c 150 s 15.

97.55 VIOLATIONS, PENALTIES

HISTORY. 1945 c 248 s 1; 1947 c 609 s 8; 1949 c 150 s 16; 1951 c 274 s 1, 2.

Any information charging unlawful attempt to take a beaver does not involve any element of the crime of illegal possession of a raw beaver skin, and where, by consent, a defendant is tried on two informations, one for an unlawful attempt to take a beaver and one for illegal possession of a raw beaver skin, the trial and acquittal on the charge of illegal possession does not involve jeopardy of any element of the charge of attempt to take. State v Ward, 225 M 208, 30 NW(2d) 349.

Under the provisions of Laws 1947, Chapter 609, Section 8, a person who falsely represents himself to be a warden, and detains persons who are legally hunting crows, examines their guns and equipment and otherwise annoys them, is guilty of an offense, even though he made no arrest. OAG Nov. 1, 1947 (208-I).

97.56 REMOVAL OF BEAVER FROM STATE-OWNED LANDS

HISTORY. 1953 c 633 s 1.

97.57 DESTRUCTION OF BEAVER DAMS

HISTORY. 1953 c 633 s 2.