

# MINNESOTA STATUTES

1941

PART I

PUBLIC RIGHTS

Sovereignty, Jurisdiction, and Civil Divisions

## CHAPTER 1

### SOVEREIGNTY AND JURISDICTION

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**1.01 EXTENT.** The sovereignty and jurisdiction of this state shall extend to all places within the boundaries thereof as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over places therein.

[R. L. s. 1] (1)

**1.02 JURISDICTION OVER WATERS.** All courts and officers now having and exercising jurisdiction in any county which is now formed or which may hereafter be formed in any part of this state bordering upon Big Stone Lake, Lake Traverse, or the Red River of the North shall have and exercise jurisdiction in all civil and criminal cases upon such waters concurrently with the courts and officers of other states bordering on such waters, so far and to such extent as these bodies of water, or any of them, form a common boundary between this state and any other state.

[1905 c. 242 s. 1] (2)

**1.03 WATERS INCLUDED.** The concurrent territorial jurisdiction of any such county and of all courts and officers exercising jurisdiction throughout the same shall extend over such water area as would be included if the boundary lines of the county were produced in the direction of their approach and extended across these waters to the opposite shore.

[1905 c. 242 s. 2] (3)

*Am 1913-397-1*  
*Am 1913-397-2*

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## 1.04 SOVEREIGNTY AND JURISDICTION

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1943-543-8  
**1.04 CONCURRENT JURISDICTION IN LAND ACQUIRED BY THE UNITED STATES.** Jurisdiction is hereby ceded to the United States over all places within this state heretofore acquired by it for national purposes, subject to the right of the state to cause its civil and criminal process to be executed therein, and to punish offenses against the laws of the state committed on the premises so acquired. Consent is hereby given to the acquisition by the United States of any other place within the state hereafter desired for any purpose authorized by Congress, subject to the concurrent jurisdiction aforesaid, upon condition that application therefor shall be first made to the governor by an authorized officer of the United States, setting forth a description of the premises sought to be acquired, with a map thereof when necessary to their proper designation, and that the governor shall find that this acquisition is consistent with the best interests of the state and shall thereupon approve the acquisition. This approval shall not be required in the case of lands lying within the original boundaries of the Chippewa national forest or the Superior national forest and acquired by the United States for any purpose incident to the development or maintenance of these forests.

[R. L. s. 2; 1941 c. 66 s. 1] (4)

1943-543-9  
**1.05 SALE OF STATE LANDS TO UNITED STATES.** The governor is hereby authorized, in behalf of the state, to sell, at its fair value, and to convey to the United States any land owned by the state and required by the government for any authorized purpose. The United States is hereby empowered to acquire by condemnation, under the laws of this state relating to the right of eminent domain, any lands which it may be necessary to take, overflow, or occupy in the prosecution of any public work authorized by Congress, upon condition that application for consent shall have been first made to the governor and that he shall find that the proceedings or acquisition are not inconsistent with the best interests of the state and that he shall thereupon approve the same. All lands so ceded or conveyed to or acquired by the United States shall be exempt from assessments and taxes so long as it shall own the same. This approval shall not be required in the case of lands lying within the original boundaries of the Chippewa national forest or the Superior national forest and acquired by the United States for any purpose incident to the development or maintenance of these forests.

[R. L. s. 3; 1941 c. 66 s. 2] (5)

1943-543-8  
**1.06 CONSENT, EXECUTION AND RECORD.** Upon proof being made that the title to such lands has been duly vested in the United States, the governor shall issue, in duplicate and under the great seal of the state, his certificate of consent to such acquisition, conditioned as in this chapter prescribed, one of which shall be delivered to the officer presenting the application and the other filed with the secretary of state. The secretary of state shall thereupon cause a copy of such consent, with a map of the lands so acquired when necessary to a proper description thereof, to be filed for record with the register of deeds of the county in which the same are situated.

[R. L. s. 4] (6)

1943-543-8  
**1.07 ACQUISITION BY UNITED STATES OF LANDS FOR CERTAIN PURPOSES.** The consent of the State of Minnesota is hereby given in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, by condemnation, lease, or in any other manner, of any land, or right or interest therein, in this state required for sites for custom houses, court-houses, hospitals, sanatoriums, post-offices, prisons, reformatories, jails, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges, forest depots, supply houses, forestry offices, or for any other military or naval purposes of the United States government.

[1925 c. 55 s. 1; 1939 c. 17 s. 1] (6-1)

1943-543-8  
**1.08 EXCLUSIVE JURISDICTION OVER LANDS ACQUIRED; EXCEPTIONS.** Exclusive jurisdiction in and over any lands or buildings, any right or interest acquired by the United States is hereby ceded to the United States for all purposes herein provided, except the service upon such sites of all civil or criminal process of the courts of this state, which right of service of process within the bounds of these lands and sites is reserved to this state; but the jurisdiction so ceded shall continue no longer than the United States shall own or occupy such lands, or any right or interest therein. When such lands or buildings abut upon the navigable waters of this state, the jurisdiction so ceded shall extend to and include such of

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the underwater lands adjacent thereto ~~as lie~~ between the line of low water mark and the bulkhead or pierhead line ~~as now established~~ or as such lines may be hereafter established.

[1925 c. 55 s. 2] (6-2)

**1.09 JURISDICTION, WHEN VESTED; EXEMPTION FROM TAXATION.** The jurisdiction ceded shall not vest until the United States shall have acquired the title to, or possession of, the lands or rights or interest therein by purchase, condemnation, lease, or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States and no longer, such rights or interest, as the case may be, shall continue exempt and exonerated from all state, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state.

[1925 c. 55 s. 3] (6-3)

**1.10 UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE.** Consent of the State of Minnesota is given to the acquisition by the United States by purchase, gift, or lease of such areas of land or water, or of land and water, in Minnesota as the United States may deem necessary for the establishment of the Upper Mississippi River wild life and fish refuge in accordance with and for the purpose of the act of congress approved June 7, 1924, entitled "An Act to establish the Upper Mississippi River Wild Life and Fish Refuge," and for the establishment of such other wild life refuges or reservations as may have been or may be authorized by act of congress; reserving to the State of Minnesota full and complete jurisdiction and authority over all such areas not incompatible with the maintenance and control thereof by the United States for the purposes and under the terms of that Act of Congress.

[1925 c. 76 s. 1] (6-5)

**1.11 STATE LANDS CEDER.** There is hereby ceded to the United States for the purposes of the Upper Mississippi River wild life and fish refuge, so long as it shall use the same therefor and no longer, all areas of land subject to overflow and not suitable for agricultural purposes owned by this state, and all jurisdiction of the State of Minnesota to and upon the areas of water of the Mississippi river to and including the main channel thereof, within the boundaries of the refuge as the same may be established, from time to time, under authority of that Act of Congress, subject to the same reservation of jurisdiction in and over such areas as is provided in section 1.10.

[1925 c. 76 s. 2] (6-6)

**1.12 FEDERAL FLOWAGE EASEMENTS OVER HIGHWAYS.** When so requested by the commissioner of highways the governor, in behalf of the state, may, from time to time, grant, bargain, sell, and convey to the United States of America any easement for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement.

[1937 c. 124 s. 1] (6-7)

**1.13 MONEYS RECEIVED CREDITED TO HIGHWAY FUND.** Any payment so received for the granting of an easement shall be deposited in and become a part of the trunk highway fund.

[1937 c. 124 s. 2] (6-8)

**1.14 STATE FLAG; PHOTOGRAPH AND DESCRIPTION OF DESIGN.** There shall be kept and used at the capitol a state flag, conforming substantially to the design adopted by the commission created by Laws 1893, Chapter 16. A photograph of the design, together with the resolutions of the commission adopting and describing the design, shall be preserved in the office of the secretary of state.

[R. L. s. 1857] (4386)