

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

Edited by
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DISCRIMINATION IN PURCHASE OF FARM PRODUCTS

6248-3. Discrimination prohibited.

Act is still valid with respect to those cases where cost of transportation can be ascertained with reasonable certainty. Op. Atty. Gen. (135a-3), Jan. 4, 1941.

FLAX STRAW OR TOW

6248-10. Purchasers of flax straw shall obtain licenses—Bond.—Any person, firm or corporation, other than a commission merchant, as defined in Mason's Minnesota Statutes of 1927, Section 6197, who shall purchase flax straw or flax tow for the purpose of resale shall first procure a license therefor from the Minnesota Railroad and Warehouse Commission, hereafter called the commission, before transacting such business. Such license shall be renewed annually, and shall expire on June 30. The license fee for each such buyer shall be \$5.00. Before any such license shall be

issued, the applicant therefor shall file with the commission a bond to the state, with corporate surety approved by the commission, in the penal sum of not less than \$1,000.00, conditioned that the applicant will pay upon demand the purchase price of such flax straw or flax tow. (Act Apr. 20, 1943, c. 546, §1.) [223.12]

6248-11. Unlicensed purchasers to be guilty of misdemeanor.—Any such person, firm or corporation purchasing flax straw or flax tow for resale without first obtaining such license shall be deemed guilty of a misdemeanor. Each unlicensed purchase shall constitute a separate offense for which such person, firm or corporation shall forfeit to the state \$25.00, and in addition thereto, such unlicensed purchaser may be enjoined upon complaint of the commission. (Act Apr. 20, 1943, c. 546, §2.) [223.12]

CHAPTER 39

Bounties and Rewards

6249. For timber growing—Appropriation.—Every person who shall plant one acre or more of land with forest trees of any kind other than black locust, and shall keep such trees growing in a thrifty condition, and not more than twelve feet apart either way, replacing yearly such as may die, or who shall maintain and manage an existing stand of timber on one acre or more of land, the owner residing thereon, such stand of timber shall not be less than 600 forest trees per acre, well spaced, shall receive from the state two dollars and fifty cents per acre therefor for six successive years, not exceeding, however, twenty-five dollars in any one year. This section shall not apply to any railway company, to any person who has already received such compensation, nor to any person planting trees in compliance with an act of Congress approved March 3, 1873, relating to the growth of timber on western prairies, or any act amendatory thereof. The sum of \$2,500 for the fiscal year ending June 30, 1942, and the sum of \$2,500 for the fiscal year ending June 30, 1943, is hereby appropriated for the purposes of making such payments. (As amended Act Apr. 22, 1941, c. 365, §1.)

Municipal corporation owning property and administering it for public purposes is a resident of such property entitled to benefits of act. Op. Atty. Gen. (203h-9), May 22, 1942.

6254. Bounties on wolves and foxes.—Subdivision 1. Every person who shall kill a wild wolf or fox in this state, not having at the time spared the life of any other such wolf or fox he could have killed, shall upon compliance with the provisions of Mason's Supplement 1940, Sections 6254 to 6258, be rewarded in the sum of \$15.00 for each adult wolf and six dollars for each cub, to be paid by the state out of the revenue fund or such other funds as may be appropriated therefor by law.

Subdivision 2. Every person who shall kill a wild fox in this state, not having at the time spared the life of any other such fox he could have killed, shall upon compliance with the provisions of Mason's Supplement 1940, Sections 6254 to 6258, as amended, be rewarded in such sum as the board of county commissioners of the county in which the fox is killed may have determined and established for each adult and cub fox, to be paid from the county revenue fund. The state shall reimburse each county for one-half of all rewards for wild fox killed therein, but the amount of state reimbursement shall not in any event exceed \$2.00 for each adult fox and \$1.00 for each cub fox.

Subdivision 3. Any county board may add to such reward and appropriate county funds therefor.

Subdivision 4. For the purposes of Mason's Supplement 1940, Sections 6254 to 6258, any wolf or fox killed before September 1st of the year in which it was born shall be deemed to be a cub, and any wolf or fox killed on or after said date, if physically mature, though not full grown, shall be deemed to be an adult wolf or fox. (As amended Mar. 27, 1943, c. 200, §1.)

Harboring wolves in an enclosure without any permit is not an offense against game laws, provided they do not propagate, but harboring of wolves might disqualify an individual from collecting bounties on others which he killed. Op. Atty. Gen. (210D-8), Aug. 15, 1941.

6255. Claim to wolf or fox bounty—When and how made.—(a) Within thirty days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses, to the clerk of the town, wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as 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 spare the life of any wild wolf or fox he could have killed. All animals produced at any one time shall be included in one statement.

(b) The clerk shall examine each carcass produced in the presence of 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.

(c) 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. (As amended Mar. 10, 1943, c. 111, §1; Mar. 27, 1943, c. 200, §2.)

6258. Penalties.—Every person who shall fraudulently claim or obtain any reward for the killing of a wolf or fox, or issue any fraudulent or unauthorized certificate or warrant therefor, or claim reward upon a wolf or fox which he has in any way protected, or upon any tame or captive wolf or fox, either full blood or crossed, or upon the off-spring of any tame or captive wolf or 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 sixty 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. (As amended Mar. 27, 1943, c. 200, §3.)

6260. What must be produced, etc.

Resolution for bounties on groundhogs should not limit benefits to residents of county. Op. Atty. Gen. (47g), Aug. 16, 1943.

CHAPTER 40

Public Lands

SALES BY AUDITOR [DEPARTMENT OF CONSERVATION]

6261. School lands—Price.

Transfer state owned lands between state departments authorized. Laws 1941, c. 337.

Land, soil and contents therein of trust fund lands within state forests are available for use and maintenance of such forests, as in construction of roads, under jurisdiction of director of forestry, and it is not necessary to obtain permission from division of lands and minerals. Op. Atty. Gen., (983m), May 21, 1941.

6262. University lands—Minimum price.

Administration of university permanent trust fund lands by Department of Conservation may not be transferred to the university under existing law. Op. Atty. Gen. (618a-2), Feb. 17, 1941.

6266. State institutions and capitol lands, etc.

Minimum price per acre is fixed by statute and covers land including improvement. Op. Atty. Gen., (700d-28), July 25, 1941.

6267. Terms of payment—Interest—Separate appraisal of buildings—Default—Improvements.

Subdivision 1. The terms of payment on the sale of all state public lands shall be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber. At least 15 per cent of the purchase price of the land exclusive of timber shall be paid in cash at the time of sale and the balance in not to exceed 20 equal annual installments, payable on June 1 each year following that in which the purchase was made, with interest at four per cent per annum on the balances remaining from time to time unpaid, payable with the installments or principal. Any installment of principal or interest may be paid in advance, but part payment of an installment shall not be accepted, and for the purpose of computing interest any installment of principal not paid on June 1 shall be credited as of June 1 next following.

Subdivision 2. In case there are any buildings or other improvements upon the land the value thereof shall be appraised separately and included in the purchase price. No person shall remove, injure, or destroy any such building or other improvement until an amount equal to such appraised value has been paid on the purchase price of the premises, in addition to the payment required for timber, if any. Violation of this provision shall be a gross misdemeanor.

Subdivision 3. Failure to make any payment required under any certificate of sale within 60 days from the date on which such payment becomes due shall constitute default, and thereupon the certificate of sale shall be deemed cancelled, and all right, title, and interest of the purchaser, his heirs, representatives, or assigns in the premises shall terminate without the doing by the state of any act or thing whatsoever. A record of such default shall be made in the state land records kept by or under the direction of the commissioner of conservation, and a certificate of such default may be made by or under the direction of the commissioner and filed with the county treasurer or recorded in the office of the register of deeds of the county in which the premises are situated. Any such record or certificate shall be prima facie evidence of the facts therein stated, but the making of such record or certificate shall not be essential to the taking effect of such cancella-

tion and termination. The provisions of this subdivision shall not apply to any sale made before May 1, 1941.

Subdivision 4. If there are any improvements upon the land made by one who, in the opinion of the commissioner of conservation, settled upon the 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 were made in good faith by a lessee of the state under a proper permit or other lawful authority, the value of such improvements shall be appraised separately, and if at the sale of such land such settler or lessee shall be the purchaser, he shall not be required to pay for such improvements. If a person other than such settler or lessee shall purchase the land, such purchaser shall pay to the state at the time of the sale, in addition to all other required payments, the full amount for which the improvements were appraised, and the amount so received by the state for such improvements shall be paid over to such settler or lessee, his heirs, representatives or assigns, by warrant drawn by the state auditor upon the state treasurer. All amounts received for such improvements are hereby appropriated for making such payments. The provisions of this subdivision shall not apply unless the person seeking the benefit thereof shall make a verified application to the commissioner of conservation, showing that he is entitled thereto, before the first state public sale at which the land is offered for sale, and shall appear at such sale and offer to purchase the land for at least the appraised value thereof and all timber thereon, and make such purchase if no higher bid be received; nor unless all actions or other proceedings involving the land in question instituted prior to the sale shall have been determined. (As amended Act Apr. 22, 1941, c. 374, §2.)

All payments upon principal are to be credited as of June 1, next succeeding time of payment, and this basis is to be used for computation of interest where unpaid balance of principal with interest is tendered at a time following June 1 when due. Op. Atty. Gen. (700d-28), Feb. 8, 1943.

6269. Sales by subdivisions.

Op. Atty. Gen. (700A-3), Jan. 13, 1942; note under §6270.

6270. Subdivision into lots.

In subdividing trust fund lands into small parcels or lots, Commissioner of Conservation has authority to dedicate streets and alleys to public. Op. Atty. Gen., (700d-26), July 25, 1941.

Law does not authorize subdivision of a tract after sale as long as certificate remains in force, and it would be incorrect upon issuing a patent to deduct or omit from tract described in certificate of sale any land covered by an easement taken in the meantime, and amount awarded for easement is presumed to compensate for damages resulting from taking of easement to tract as a whole, and must be applied on entire obligation owing on certificate. Op. Atty. Gen. (700A-3), Jan. 13, 1942.

Area covered by an easement taken before sale by condemnation should not be deducted from that of a larger tract of which it is a part, but entire tract should be sold as a unit, subject to the easement, unless best interests of state would be served by separating area covered by easement from remainder by process of subdivision. Id.

Certificates of sale under Laws 1941, c. 374, were terminated by default in payment of installment and holder of certificate who happened to have constructed improvements under a previous lease with the state cannot repurchase land at subsequent sale without payment for improvements. Op. Atty. Gen. (700d-6), Dec. 1, 1943.