

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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1910

[2536—]8. **Same—Award and judgment—How payable.**—The award of said appraisers if not appealed from, and the judgment rendered on appeal, shall be an absolute claim against said county and shall be paid from the general revenue fund thereof, on the warrant of the county auditor without further action by the board of county commissioners, and upon such payment the land involved shall become the absolute property of the county. ('05 c. 7 § 6)

[2536—]9. **Same—Judgment roll.**—When judgment is rendered on appeal, the clerk of said court shall attach the application, all notices and proof of publication or service thereof, the oaths of said appraisers and the award, the notice of appeal, and the final judgments in the case, and the same shall constitute the judgment roll to be filed in the office of the clerk. ('05 c. 7 § 7)

[2536—]10. **Same—Notice of lis pendens.**—At any time after the adoption of the resolution mentioned in section 1[2536—3] of this act, said county, by the county attorney or county auditor, is hereby authorized to file in the office of the register of deeds of said county a notice of lis pendens, which said notice shall contain the names of the parties, the object of the proceeding and a description of the land involved, and it shall have the same effect and may be released in the same manner as is now provided by statute for the filing and relief of lis pendens in actions affecting the title of real property between private individuals. ('05 c. 7 § 8)

[2536—]11. **Same—Certificate of payment—Record.**—Upon the payment of any award or judgment, the county attorney may make a certificate under the seal of his office as to such fact, expressly describing the land and reciting the fact of payment of the award or judgment in relation thereto and may file the same in the office of the register of deeds of said county for record. Said register of deeds shall record the same at the expense of the county, and such record shall be notice to all parties of the title of the county thereto, and may be read as evidence of such title in all the courts of this state, and the title to land acquired under this act shall be absolute in fee simple in the county instituting proceedings thereunder. ('05 c. 7 § 9)

CHAPTER 42.

MILLS AND DAMS.

WATER POWERS.

2543. Dams—For what purposes—Eminent domain.

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

LOGGING DAMS.

2547. County board may license.

In general.—Laws 1861, c. 50, authorizing county commissioners to grant licenses for construction of dams for sluicing logs and lumber, held not to limit the right acquired by the owner of the dam to the purpose of sluicing logs and lumber, as against the owners of land submerged by the dam. *Simons v. Munch*, 120 N. W. 373.

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2549. Tolls—Lien.

See section [2934—] 1.

2550. Logging streams—Boundary waters.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2551. Sluiceways; etc.—Eminent domain.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

UNIFORM STAGE OF WATER IN LAKES.**2552. County board may establish—Eminent domain.**

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2554. Assessment of benefits and damages.—When the entire cost of acquiring such lands and raising the waters of such lake to the specified height shall have been ascertained with reasonable certainty, the board shall apply to the court, upon two weeks' published notice, for the appointment of three disinterested resident freeholders of the state as assessors of benefits and damages. Upon proof of such service being filed, the court shall hear all persons interested, and, if satisfied that the same is proper, shall appoint such assessors, and fix their compensation and the time and place of their first meeting. The order of appointment shall also state the maximum sum which may be assessed upon benefited lands. (R. L. § 2554, as amended by Laws 1909, c. 211, § 1.)

2561. Cities and villages.—The council of every city and village within which the whole or any part of any navigable or meandered lake is situated, or the council of any city or village which is a riparian owner on any such lake adjoining such village or city, shall have all the powers in respect to establishing and maintaining the waters thereof at a uniform level that are conferred by this chapter upon county boards, and all the provisions of this chapter regulating the exercise of such powers shall be applicable in such cases. Provided, however, that this act shall not apply to cities or municipalities incorporated under a home rule charter. (R. L. § 2561, as amended by Laws 1909, c. 163, § 1.)

R. L. § 2561, cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

2562. Logging dams and waters exempt.

Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

CHAPTER 43.**LOGS AND LUMBER.****2574. Fees for scaling, etc.**

See sections [2575—] 1, [2575—] 2.

2575. Same, for recording, etc.

See sections [2575—] 1, [2575—] 2.

[2575—] 1. Fees, where logs from another state are intermingled.—The fees and mileage of the surveyor general in lumber districts wherein logs or timber is received from the State of Minnesota, and any other state, intermingled and separated therein, for surveying and scaling logs, timber and lumber, shall be as follows:

First—Fence posts and farm poles, twenty cents for each one hundred pieces or fraction thereof;

Two—Electric wire poles, ten cents per hundred feet lineal measure;