

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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CHAPTER 42

MILLS AND DAMS

WATER POWERS

5429. Dams—For what purposes—Eminent domain—

The rights of a public service corporation to divert water from navigable streams of one drainage basin into those of another drainage basin determined (127-23, 148+561). Eminent Domain, [§](#)1, 13, 66; Navigable Waters, [§](#)34.

LOGGING DAMS

5433. County board may license—

Liability for damages by flooding of land below a log dam (see 123-476, 144+154). Navigable Waters, [§](#)39(5).

It is immaterial that a logging corporation was not licensed to take possession of a river by the county commissioners as provided by this section, as defendant's authority is granted by the statute under which it was incorporated. An instruction that defendant, a logging corporation, had no rights in or to a navigable stream superior to the right of plaintiff, a mill owner, held error. The construction of flooding dams by logging corporations is not unlawful, and no damages can be recovered therefor, unless the construction thereof and the conduct of the same be unreasonable (127-8, 148+517). Navigable Waters, [§](#)39(2, 5, 6).

UNIFORM STAGE OF WATER IN LAKES

5443. Revision—Confirmation, etc.—Lien—Assessment, how distributed, etc.—The court may revise, correct, amend or confirm such assessment, in whole or in part, or it may order a new assessment, in whole or in part, and, upon like notice, revise, correct, amend, or confirm the same. A copy of the assessment as finally determined or of so much thereof as relates to assessed lands lying in the several counties, shall be filed with the auditor of each such county; and such assessment shall be a lien upon the tract to which it relates. Such assessment may be distributed over a term of years not exceeding ten, and shall be extended and collected along with the taxes levied thereon. (Amended '17 c. 395 § 1)

5447. 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. The council of any village or city may, for the purpose of this act, acquire title to any navigable lake which is not meandered. Such village or city is authorized to issue its certificate of indebtedness or bonds at a rate not to exceed 6 per cent per annum, to mature at a date corresponding with the date of payment of assessments upon benefited property, as provided by section 5443 of this chapter. Provided, however, that this act shall not apply to cities or municipalities incorporated under a home rule charter. (Amended '17 c. 395 § 2)

5449-5452. [Repealed.]

See note under [§](#) [5452-]1.

[5452-]1. Lakes in certain counties—Powers of county board—When the whole or major part of any navigable lake in this state is situated in a single county having a population of not more than 18,000 inhabitants, the county board of that county, in order to improve navigation on said lake or to promote the public health or welfare, may appropriate a sum not exceeding