

ture of paper, to the nearest reserved water power, or any water power which in the opinion of the state auditor can advantageously be procured by the state, by condemnation or purchased for the purposes provided in this act.

Sec. 3. Investigation ordered of pulp wood or growing same.—The state auditor shall make an investigation of the possibility of the state securing by purchase or condemnation water powers in the vicinity of state lands, wherein pulpwood is now growing or upon which it may be profitably grown in the future. For such purpose it shall be proper for him to call upon the state drainage engineer for assistance.

Sec. 4. State board of control to investigate feasibility of manufacturing pulp in plant at state reformatory—state forester to give estimates.—The state board of control is hereby directed to investigate the advisability and feasibility of having the inmates of the state reformatory engaged in the manufacture of pulpwood in a pulp mill to be operated by the state. The state auditor shall make a full and complete report to the next session of the legislature of all suitable water powers that may be utilized in the operation of a state owned pulp and paper mill.

The state forester shall make an estimate of how many cords of pulpwood per year can be grown upon state owned lands, unfit for agricultural purposes, and which in his opinion can wisely be utilized in the product of pulpwood and he shall make report thereof to the next legislature.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 20, 1917.

CHAPTER 361—S. F. No. 315.

An act to amend Chapter 206, Laws 1913, providing for more effective inspection of nurseries and other premises and imported nursery stock to comply with the requirements of United States quarantine laws; requiring certificates for shipments within state, modifying inspector's fees, and providing additional funds for carrying out the provisions of this act by adding thereto a new section thereto which new section provides for and authorizes the destruction of trees, plants or shrubs so situate that they may spread certain plant disease or destructive insects and prescribing the manner in which such power shall be exercised, also prohibiting the importation of plants, trees and shrubs into this state under specified circumstances and prescribing a penalty for the violation of such prohibition.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Destruction of diseased or infested trees, plants, shrubs, etc., by state inspector of nurseries, and appraisal and payment for trees and shrubbery so destroyed.—in chapter 206, Laws 1913, be and the same is hereby amended by adding thereto a new section to be inserted therein immediately after section 1 thereof and before section 2 thereof, which new section shall be known as section 1-A and which new section shall read as follows:

Section 1-A. When any tree, shrub or plant, not itself diseased or infested, which is a host for any organism inducing a plant disease, new to or not heretofore widely prevalent or distributed within or throughout this state, or host for any destructive insect, new or not heretofore widely prevalent or widely distributed throughout this state is situate within three thousand feet of any tree, plant or shrub which is infested with any such organism or insect, the state inspector of nurseries may for the purpose of preventing the spreading of such organism or insect, cause such tree, plant or shrub not itself so diseased or infested, to be destroyed as hereinafter provided.

(a) No tree, plant or shrub not itself diseased, shall be ordered destroyed without the approval in writing of the order therefor signed by a majority of a committee consisting of the experiment station entomologist; president of the Minnesota Horticultural Society and by the director of the Minnesota Agricultural Experiment Station and by the plant pathologist of the Minnesota Agricultural Experiment Station if a plant disease is concerned, or without opportunity being given to owner of such trees, plants or shrubs for an open hearing if he objects to such action on the part of the inspector.

(b) When the destruction of any such trees, plants or shrubs is determined upon the state inspector of nurseries shall by notice in writing, approved as provided for in subdivision "A" of this section, direct the owner or lessee of the land on which such plants, trees or shrubs are situate to destroy as many of such plants as the state inspector may deem necessary, within such period of time as shall be therein specified, provided, however, such tree, plant or shrub shall not be required to be destroyed until the value thereof shall have been appraised as hereinafter provided.

(c) Immediately upon the issuance by the state inspector of nurseries of an order for the destruction of any trees, plants or shrubs, other than trees especially valuable for lumber, he shall designate three or more persons to be selected from the list of appraisers hereinafter provided for in subdivision H of this section, to appraise the value of such trees, plants or shrubs.

(d) In case the order issued by the state inspector of nurseries directs the destruction of any tree, or trees chiefly val-

uable for timber purposes, the same shall be appraised as hereinafter provided for by the state forester, the assistant state forester or such suitable employe of the state forester's department as shall be designated in writing by the state forester.

(e) It shall be the duty of the appraisers so appointed to forthwith take and subscribe an oath to fairly and honestly determine the value of the trees, plants or shrubs so ordered to be destroyed and determine the fair cash value thereof at the place and in the condition the same may be in at the time of the issuance of the order. The appraisers so appointed shall receive as compensation for their services such sum, not to exceed six dollars per day, as shall be fixed by the state inspector of nurseries, for each day necessarily employed in the performance of their duties, together with the necessary traveling expenses and hotel bill, incurred in the performance of their duties provided, however, that no officer or employe of the state shall receive any compensation for the performance of the duties herein imposed, but shall be reimbursed for his actual and necessary expenses. Such compensation and expenses, when approved by the state inspector of nurseries shall be audited and paid by the state auditor from the appropriation made for the purposes of this act.

(f) The appraisers so appointed shall forthwith give notice to the owner or lessee of the land on which the trees, plants or shrubs ordered to be destroyed are situate of the time when they will visit the premises for the purpose of making their appraisal. Such owner or lessee shall at the time so specified, be given a full opportunity to be heard on the question of the value of the trees, plants and shrubs so ordered to be destroyed. The appraisers shall thereupon determine, as hereinbefore provided, the cash value of such trees, plants and shrubs and make and file with the state inspector of nurseries a report in duplicate of their appraisal and shall also give a copy thereof to the owner or lessee. The said reports shall each be signed by the appraiser. One of the copies thereof filed with such inspector shall be attached to a voucher which voucher after approval by the state inspector of nurseries, shall be transmitted to the state auditor for audit and after allowance by him the amount therein specified shall be paid from the money appropriated for the purposes of this act, to the owner of the trees, plants or shrubs ordered to be destroyed. The state inspector of nurseries shall attach to the voucher approved by him a certificate that the trees, plants and shrubs so appraised and specified in the voucher and appraisal have been destroyed in accordance with the order. The oath of the appraisers hereinbefore specified shall be attached to and filed with the copy of the appraisers' report filed with the state inspector of nurseries.

(g) Upon the delivery to him of the appraisers' report the owner or lessee of the land on which the trees, plants or shrubs ordered to be destroyed are situate, shall forthwith destroy the same in the manner directed by the state inspector of nurseries, and within the time as specified in subdivision B, and any owner or lessee who fails so to do within a period of five days after the expiration of said time specified in subdivision B shall be guilty of a felony and in addition to such criminal liability, the state inspector of nurseries may, after the failure of the owner or lessee for said five days to so destroy the same, cause the said trees, plants or shrubs to be destroyed at the expense of the owner, in the manner and as provided for in section 1 of this act, and such expense in such case shall be deducted from the amount payable to the owner. Provided that said owner, lessee or representative shall not be guilty of a felony if within five days after receiving the notice for the destruction of such trees, plants and shrubs as provided for in subdivision B he shall notify said state inspector of nurseries in writing that he prefers to have said state inspector of nurseries destroy such trees, plants and shrubs as provided in this section.

(h) It shall be the duty of the executive board of the state horticultural society and the director of the experiment station each to furnish to the state inspector of nurseries a list of five practical horticulturists residing in several parts of the state who possess knowledge of the value of trees, plants and shrubs, from each of which the appraising committee is chosen.

(i) The state inspector of nurseries is hereby authorized and empowered to prohibit by proclamation the importation into this state of any plant, tree or shrub which has been grown or propagated in any state, province or country or in any place where it shall be determined by the said state inspector of nurseries after due investigation, that there exists and is prevalent to a dangerous extent, White Pine Blister Root or any other plant disease or destructive insect new to Minnesota which is liable to or capable of spreading to and infecting the plants, trees and shrubs of this state and which may be carried and transported to and into this state on or in trees, plants and shrubs there grown. It shall be the duty of said state inspector of nurseries upon the making and promulgation by him of any such proclamation to forthwith mail a copy thereof to each certified nurseryman and to each railroad company doing business in this state and to publish a copy thereof in a newspaper published at the city of Duluth and at the city of St. Paul, and any person, firm or corporation or common carriers which shall after thirty days from the reception of said notice introduce or transport into this state any tree, plant or shrub grown or propagated in the territory described in such proclamation, shall be

guilty of a gross misdemeanor and in case the offender be a corporation, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars for each shipment so introduced into this state.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1917.

CHAPTER 362—S. F. No. 316.

An act to amend Sections 4977 and 4978, General Statutes 1913, the same being Chapter 260, Laws 1911; relating to and defining itinerant physicians.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Licensing of itinerant physicians by state board.**

—That sections 4977 and 4978, General Statutes 1913, be and the same are hereby amended so as to read as follows:

Section 4977. That any physician practicing medicine surgery or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments or injuries by any medicine, appliance or method, who by himself, agent or employe goes from place to place, or from house to house, or by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular offices or residence, shall be considered an itinerant physician. Any such itinerant physician shall, in addition to his regular license to practice medicine in this state, procure from the state board of medical examiners, a license as an itinerant physician. *Any physician licensed to practice in this state desiring to secure a license as an itinerant physician, shall make an application therefor to the state board of medical examiners, setting forth in detail such information as said board may require. Said board shall examine into said application, the qualification, character and reputation of the applicant and the question as to whether the public interest will be subserved by the granting of such itinerant license and if it shall determine that such license should be granted, it shall pass a resolution to that effect, to be spread upon its minutes and upon the payment of \$300 to the secretary of said board, an itinerant physician's license shall be issued to said applicant for a period of one year from the date thereof; said secretary shall forthwith pay said license fee into the state treasury, for the use of the Board.*

The board may cancel any itinerant physician's license so issued by it upon satisfactory evidence of the incompetency or gross immorality of the licensee.

Section 4978. Any person practicing medicine as an itinerant physician as defined in section 1 (4977) hereof, without