

lows: (g) The terms "employe" and "workman" are used interchangeably and have the same meaning throughout this act and shall be construed to mean: (1) Every person in the service of a county, city, town, village, or school district therein under any appointment or contract of hire, express or implied, oral or written; but shall not include any official of any county, city, town, village or school district therein, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term, nor shall it include any employe of a city, operating under a home rule charter for whom a mode and manner of compensation is provided in said charter which is different from that provided by chapter 467, Laws of 1913, as amended.

(2) Every person not *excluded by* section 8 (8202), in service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the state, who for the purpose of making election of remedy under this act shall be construed the same, and have the same power of contracting and electing as adult employes.

Approved April 24, 1919.

CHAPTER 440—S. F. No. 760.

An act to prescribe certain duties of the surveyor general of logs and lumber, and prescribing duties, bonds and penalties relating to officers employed in state timber work, and appropriating money therefor.

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

Section 1. Consolidation of offices of surveyor general and governor authorized to appoint state surveyor general at salary of \$3,600.—The offices of surveyor general are hereby consolidated into one office, which shall be located at the State Capitol, St. Paul, and all the powers and duties and all the authority now by law conferred in said offices and officers shall devolve upon and be exercised by the state surveyor general of logs and lumber, hereinafter referred to as the surveyor general. He shall be appointed by the governor at a salary of not more than \$3,600.00 per year, for a term of two years; and said term shall terminate at the end of each odd numbered fiscal year. The term of office of the surveyor general first appointed under the provisions of this act shall expire with the end of the fiscal year 1919. The duties of the surveyor general and of the state forester, and the duties of any deputy surveyor general and of any qualified forest officer, are hereby deemed to be not incompatible, and the state forester or any other forest officer may be the state surveyor general of logs and lumber

or deputies surveyor general respectively, but no additional compensation shall be allowed for such additional service rendered by forest officers. The districts established for the survey and measurement of logs and timber are hereby discontinued, and the jurisdiction and control relating thereto is transferred to and the same shall devolve upon the office of the surveyor general. All public property and records now in the custody of each of the surveyors general or their deputies, wherever the same may be, shall forthwith be delivered into the custody and care of the surveyor general of logs and lumber.

Sec. 2. Duty of surveyor general.—It shall be the duty of the surveyor general, and he is hereby authorized and empowered to scale all state timber cut on any state lands.

Sec. 3. State auditor to check scaling of timber.—It is hereby expressly made the duty of the state auditor to check from time to time the scaling of state timber done by the surveyor general of his deputies.

Sec. 4. Surveys to be made by surveyor general.—The surveyor general or his deputy, upon request of the owner of any forest products, or of any person having written authority from the owner to deliver the same, or of any officer having possession thereof under judicial writ or process, shall survey the same and make a true bill thereof, showing by and to whom and at whose request the scale was made, the time and place of inspection, the number of pieces scaled, the marks thereon, the scale marks placed thereon by him, and the total number of feet board measure, or cords or pieces, as the case may be. He shall record such scale bill in his office, and upon payment as hereinafter provided to the state treasurer of all costs and expenses of making the scale, recording the same and making the bills thereof, shall deliver the original to the person to whom the scale was made, otherwise to the person requesting such survey. Such bill or the record thereof shall be prima facie evidence of the facts therein stated. The terms of this act shall apply to the scaling and billing of logs and timber in chartered booms or elsewhere.

Sec. 5. Actual expense to be paid before survey or scaling.—For the purpose of carrying out the provisions of this act relating to the scaling or measuring of state timber, the permittee or purchaser of any state timber shall pay into the state treasury the actual field expense of scaling, counting or measuring such timber as may be cut on any state land; and "actual field expense" is hereby defined to mean and include all traveling expenses incurred by the surveyor general or his deputy in going and returning between the office of the surveyor general and the point of survey, or from one point of survey to another, his expenses at the point of survey, and his salary for the time he is so engaged. Bills for such "actual field expense" and for scaling as provided in section 4 of this act

shall be rendered the purchaser by the surveyor general each month while scaling is in progress, and payment in full of these bills must be made within twenty days after the same are rendered. Any sums due for scaling work or field expenses shall be collected by the surveyor general, and the money so collected shall be deposited in the state treasury, and the same shall be credited to surveyor general scaling, and the same are hereby appropriated for such expense; provided, however, that the state auditor shall credit to the forest service fund, from such collections made during the present fiscal year, an amount equal to the sum expended from said forest service fund. On failure of any purchaser to pay as above provided within the specified twenty days, the scaler or scalers shall be withdrawn forthwith, and no further scaling service shall be rendered the purchaser until such time as said scaling bill or bills are paid, or until the surveyor general has been reimbursed through procedure under provisions of law now in force.

Any moneys appropriated for the purpose of carrying into effect the provisions of this act shall be used for the purpose of administering the duties of the surveyor general, checking and superintending the scaling, clerical help, and purchasing supplies and stationary; provided, however, that the auditor shall credit to the forest service fund from the moneys appropriated \$2,684.33, to cover the expenditures from said fund for salaries and expenses incurred during the fiscal year ending July 31, 1919.

Sec. 6. Qualifications necessary and bond to be given.—The surveyor general shall have had at least five years' experience, or its equivalent, in lumbering work, and shall give a bond to the state, approved by the attorney general, in the sum of ten thousand (\$10,000) dollars, conditioned for the faithful performance of the duties of his office, and for the delivery to his successor of all records, papers and effects appertaining thereto. Such bond, with his official oath, shall be filed with the secretary of state. The state and all persons aggrieved by failure to comply with the conditions of such bond, may sue thereon until the whole penalty or loss is recovered. Any official or employe authorized to scale any state timber under sale permits must have had at least three years' experience in lumbering work or its equivalent, and shall be required to give a bond to the state in at least the sum of two thousand (\$2,000) dollars, conditioned for the faithful performance of such duties, which bond shall be approved by the attorney general and, with the required oath and duplicate of appointment, shall be filed with the secretary of state before the appointee enters upon his duties as scaler. Such bonds shall be paid out of the surveyor general fund.

Sec. 7. Acceptance of compensation or gratuity a felony.—Every estimator, cruiser, land examiner, scaler, appraiser, ranger or any other employe or agent of the state charged by law, or any

official authorized to make any estimate or scale of state timber, who shall accept any compensation or gratuity for his services as such from any other source except the state, or who shall make any false report of timber scaled, or insert in any such report any false statement or omit from any such report any statement required by law to be made therein, or who shall fail to report to the surveyor general or the state auditor any trespass committed upon state lands which has come to his knowledge, shall be guilty of a felony. Any material discrepancy in the scale returned by any of the employes above described shall be considered prima facie evidence of the guilt of the person charged with violation of this statute.

Sec. 8. **Inconsistent acts repealed.**—All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 24, 1919.

CHAPTER 441—S. F. No. 337.

An act creating the state printing commission and providing for the appointment of a state expert printer, and defining their duties.

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

Section 1. **State printing commission.**—The auditor, treasurer and secretary of state shall constitute a state printing commission for the state of Minnesota, of which the secretary of state shall be chairman. With the aid of a state expert printer appointed by said commission, for such term, not exceeding three years, as it shall see fit, it shall have control of all printing, advertising and binding done under the provisions of this act, and the distribution thereof.

Sec. 2. **State expert printer.**—The state expert printer shall be a man experienced in the printing trade, and competent to keep the records and accounts of the commission. He shall be the custodian of all material purchased by the commission for printing and binding purposes, and of all printing and binding matter ordered for and delivered to the state. He shall give orders for all printing, advertising and binding provided for under this act, see that the same is done in a workmanlike manner and delivered to the departments, in accordance with contracts. He shall obtain receipts from the departments from time to time as printing and binding is delivered to them, and shall keep an accurate record of all such purchases and deliveries, showing the amount and cost thereof, and a record of the cost of all printing, advertising and binding