

the city clerk shall also post and publish in the same manner samples of the official ballot.

**Sec. 5. Australian ballot system to be used.**—The election shall be held and conducted under the Australian ballot system as provided by law for general elections. The polls shall be open from six o'clock A. M. to eight o'clock P. M. The name and residence of each person voting at such election shall be entered by the judges and clerks on a poll list. The ballots shall be counted, tallied and preserved as at general elections, except that the clerk shall be the final custodian thereof. After the ballots have been counted, the board shall publicly announce the result and certify the same, together with the ballots, to the city council. The results of the election shall be canvassed by the council and the candidate for each office who receives the highest number of votes therefor shall be declared elected thereto and shall be given a certificate of election by the city clerk.

**Sec. 6. Challengers—Not to adjourn until polls are closed.**—The election board shall allow one voter selected by each candidate or group of candidates and having a written statement from the candidate or group he represents, stating that he has been appointed by the signers as a challenger, to remain within the railing in the room where the election is being held in each voting district until the votes are counted and the results announced, and such person shall exercise all the powers and duties of challengers at general elections. No adjournment shall be had until the polls are closed and the results announced and at least two judges and one clerk shall be present and in session at all times while the polls are open.

**Sec. 7. General election laws to apply.**—So far as practicable, all the provisions of law relating to general elections, including provisions relating to the arrangement of polling places, peace officers, challengers, gatekeepers, procuring ballots, boxes and supplies, and all laws defining offenses and fixing penalties at general elections are hereby made applicable to city elections held under this act.

**Sec. 8. This act shall take effect and be in force from and after its passage.**

Approved April 18, 1923.

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CHAPTER 318—S. F. No. 521.

*An act imposing upon the commissioner of agriculture certain powers and duties with reference to noxious weeds, repealing Chapter 320, General Statutes of Minnesota 1921, designating the chairmen of town boards as local weed inspectors, providing penalties and defining duties for the purposes of this act.*

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

Section 1. **Commissioner to administer and enforce regulations.**—The Commissioner of agriculture is hereby authorized and it shall be his duty to execute this law and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the subject of noxious weeds and to that end may require information from any local weed inspector, mayor, county commissioner, county agent or village or borough president as to the presence of noxious weeds or other information relative to noxious weeds and their control in the localities where such officer resides or has jurisdiction; said commissioner shall also suggest and formulate methods for the eradication and removal of noxious weeds from agricultural and other lands in this state and to that end he may from time to time publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weed and in other ways may conduct such an educational campaign as he considers desirable.

Sec. 2. This act may be cited and known as the "noxious weeds act"—How designated—Interpretation and definitions.—In this act unless the context otherwise requires the expression.

(a) "Municipality" means a township, city, village or borough.

(b) "Non-Resident lands" shall refer to all lands which are unoccupied, and the owner of which does not reside within the county.

(c) "Resident lands" shall refer to all lands which are occupied or which are owned by persons resident within the county.

(d) "Noxious Weeds" means the annual, biennial and perennial plants herein named under Classes I and II and such other plants as are or may be injurious to health or crops.

#### CLASS I.

COMMON NAME	BOTANICAL NAME.
Perennial Sow Thistle	<i>Sonchus arvensis</i> L.
Annual Sow Thistle	<i>Sonchus oleraceus</i> L.
Spiny Sow Thistle	<i>Sonchus asper</i> L.
Russian Thistle	<i>Salsola kali</i> (var <i>tragus</i> ) L.
Canada Thistle	<i>Carduus arvensis</i> L.
Ox-Eye (White) Daisy	<i>Chrysanthemum leucanthemum</i> L.
Dodders	<i>Cuscuta</i> Sp.s.
Common Barberry	<i>Berberis vulgaris</i> L.

#### CLASS II.

Leafy spurge	<i>Euphorbia esula</i> L.
Blue Lettuce	<i>Lactuca pulchella</i> P.
False Flax	<i>Cameline sativa</i> L.
Wild (common) mustard	<i>Brassica arvensis</i> L.
Tumbling Mustard	<i>Sisymbrium altissimum</i> L.
Hare's Ear Mustard	<i>Conringia orientalis</i> L.

French (Stink) Weed	<i>Thlaspi arvense</i> L.
Wild Oats—varieties	<i>Avena</i> Sp. L.
Quack Grass	<i>Agropyron repens</i> L.
Curled (Yellow or sour) Dock	<i>Remex crispus</i> L.
Burdock	<i>Arctium minus</i> schk.
Toad Flax (Butter & Eggs)	<i>Linaria vulgaris</i> Hill
Cockle Bur	<i>Xanthium</i> Sp. L.
Giant Ragweed	<i>Ambrosia trifida</i> L.
Common Ragweed	<i>Ambrosia artemisiaefolia</i> L.
Wild (Pea) Vetch	<i>Vicia angustifolia</i> L.
Buckhorn (Plantin)	<i>Plantago lanceolata</i> L.

**Sec. 3. Occupant or owner of land to destroy noxious weeds.**

—Except as herein otherwise specifically provided, it shall be the duty of every occupant of land, or if the land is unoccupied, the owner thereof or his duly accredited resident agent, to cut down, eradicate or otherwise destroy all noxious weeds standing, being or growing upon such land and upon the adjacent one-half of every road or high-way immediately adjoining such lands, in such manner and at such times as may be directed or ordered by the Commissioner or by a local weed inspector having jurisdiction.

**Sec. 4. Railroad companies to destroy on right of way.**—It shall be the duty of every railroad company and of every suburban railway company to cause all noxious weeds standing, being or growing on the right of way or on land of the company adjoining the right of way, to be cut down, eradicated or otherwise destroyed in such manner and at such times as may be directed or ordered by the local weed inspector or by the commissioner.

**Sec. 5. Cutting on highways, roads, streets, alleys and public grounds.**—(a) It shall be the duty of the state highway commissioner at the cost of the state trunk highway maintenance fund annually to cause all noxious weeds growing, being or standing on all state trunk highways not within the limits of a municipality to be cut down, eradicated or otherwise destroyed between the fifteenth day of May and the fifteenth day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner as may be directed or ordered by the Commissioner or by the local weed inspector having jurisdiction.

(b) The chief executive and governing board of each municipality annually shall cause to be cut down, eradicated or otherwise destroyed at the expense of the municipality all noxious weeds standing, being or growing on all public grounds, roads, streets, and alleys within the limits of the municipality, between the first day of June and the fifteenth day of October next following as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or

ordered by the Commissioner or by a local weed inspector having jurisdiction.

(c) The owners or occupants of lots or lands abutting on streets and alleys in municipalities shall annually cut down, eradicate or otherwise destroy all noxious weeds growing, standing or being between the curb line of the street or alley and the property line of their respective properties, between the fifteenth day of May and the fifteenth day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or ordered by the commissioner or by local weed inspector having jurisdiction.

**Sec. 6 Threshing machines and rigs to be cleaned before moving.**—It shall be the duty of every person owning or operating a threshing machine, immediately after completing the threshing of grain at each and every point of threshing, to clean or cause said machine to be cleaned, together with all wagons and other outfit used in connection therewith so that seeds of noxious weeds shall not be carried to or on the way to the next place of threshing by said threshing outfit.

**Sec. 7. Chairman of town board and president and mayors of municipalities to be local weed inspectors.**—(a) The Board of County Commissioners whenever requested by the Commissioner may at their discretion appoint by resolution local weed inspectors whose duties shall be as may be prescribed by the Commissioner. Such appointment shall be for full time employment for a period of not less than five months from the fifteenth day of May to the fifteenth day of October following both dates inclusive, except that at the discretion of the commissioner the period of employment may be terminated on or after the 30th day of September, and the resolution appointing such inspectors shall fix the compensation to be paid to the persons appointed, such compensation to be not more than 35 cents per hour and necessary traveling expenses in addition thereto. The jurisdiction of such local weed inspector shall be co-extensive with the county for which they were appointed. If said board of County commissioners refuse or neglect to make appointments as requested by the Commissioner on or before May 15, 1923 and on or before March 1st each year thereafter, then in that event the Chairman of the several town boards of the said county are authorized and it is hereby made their duty to act as local weed inspectors within their respective townships in accordance with the provisions of this act relative to local weed inspectors.

(b) The mayor or president of Cities or other municipalities having a population of five thousand (5000) inhabitants or more whenever the Commissioner of Agriculture shall so direct shall appoint one or more weed inspectors whose duties and compensa-

tion shall be as described in Section 7 and 8 of this act for local weed inspectors and their jurisdiction should be co-extensive with the municipality for which they are appointed.

Sec. 8. Duties of local weed inspectors.—(a) It shall be the duty of each local weed inspector between the dates of May 15th and October 15th both inclusive to examine all lands, highways, roads, alleys and public grounds in the territory over which his jurisdiction extends for the purpose of ascertaining if the provisions of this act and the regulations of the Commissioner are being complied with and if he finds that such is not the case he shall cause to be given forth with a notice in writing on a form to be prescribed by the Commissioner to the proper public officer or to the owner or occupant, or to the accredited resident agent of any non-resident lands within the township whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, eradicated or otherwise destroyed on the lands in the manner and within the time specified in the notice, such time, however not to exceed ten days. He shall also attend when so notified such conferences called by the Commissioner of Agriculture for the purpose of receiving instructions and for a full and free discussion of this act and its administration.

(b) If noxious weeds are found standing, being or growing on non-resident lands, the local weed inspector shall post a notice in form provided by the Commissioner of Agriculture in a conspicuous place on said land and cause such notice to be once published in a newspaper, published in the municipality nearest to the lands involved, to the effect that noxious weeds are found on said lands and must be cut down, eradicated or otherwise destroyed within seven days from the date of publication of notice in accordance with the law and in addition to posting and publishing said notice the local weed inspector shall at the same time mail a copy thereof to the owner of such non-resident lands, if his postoffice address is known to or can be ascertained by said inspector from the last assessment lists in the County Auditor's Office. If the weeds are not cut down, eradicated or otherwise destroyed within seven days from the date of publication, the local weed inspector shall cause the same to be cut down, eradicated or otherwise destroyed.

(c) If noxious weeds are found standing, being or growing on tax exempt lands, the official or person in charge thereof shall be served with written notice to cut down, eradicate or otherwise destroy them. If said officials or persons neglect or refuse to cut down, eradicate or otherwise destroy the said noxious weeds in the manner prescribed in the notice served, within the designated number of days after service thereof, they shall be deemed guilty of a misdemeanor and the local weed inspector shall forthwith proceed

to cause them to be cut down, eradicated or otherwise destroyed.

(d) Proof of such posting publication and mailing shall be made by affidavit forthwith filed in the office of the Clerk of Municipality wherein such non-resident lands are situate or in the office of the County Auditor when such lands are located in unorganized territory.

**Sec. 9. Weed inspectors may cut weeds in growing crops.—** Whenever any local weed inspector deems it necessary to prevent the spread of noxious weeds within his jurisdiction to cut down a growing crop, or a part thereof, he shall, before proceeding to do so notify the mayor or the president of the village or borough council or a county commissioner or the county agent, as the case may be, to inspect said crop and if on said inspection it is the opinion of the officer making the same that the weeds together with the crop or portion thereof should be cut down, or otherwise destroyed such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority. If however, the officer making such inspection is of the opinion that said weeds together with the crop or portion thereof should not be cut down or otherwise destroyed, the matter in issue shall be reported to and determined by the Commissioner or by his authority, whose decision thereon shall be final, except in so far as the same may be reviewed under existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector to immediately cause the said weeds together with the crop or a portion thereof, to be cut down, eradicated or otherwise destroyed and no action, claim or damage shall be allowed or shall be sustainable against any one in respect thereto; provided that notwithstanding anything contained herein, the local weed inspectors shall have power to cut down, or otherwise destroy the said weeds together with the crop on areas not exceeding three acres in the aggregate in any one field or crop of forty acres or less, other than pasture or meadow, without any notification or application to the mayor, village or borough president, county commissioner or county agent. If after being notified by the local weed inspector to inspect a crop, the mayor, the county commissioner or the village or borough president or county agent so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, said local weed inspector may thereupon proceed to cut down, eradicate or otherwise destroy such weeds together with the crop to the same extent as though the officer notified had made an inspection and have reported in the affirmative.

**Sec. 10. Report—Contents.—** Each local weed inspector shall make an annual report in duplicate on a form to be approved by the Commissioner, fully and clearly, showing each and every quarter section and government lot upon which noxious weeds are located,

and the kind, disposition and extent of such weeds, also such other information that may be required by the Commissioner. One copy of such report shall be filed with the county auditor of the county in which the land is situate, and the other copy with the Commissioner not later than the first day of November in each year. Also each local weed inspector shall make a monthly report and file the same with the Commissioner the first day of each month, and in addition thereto he shall make a weekly report during the month of July, and August, fully and clearly showing the number of farms inspected, the miles traveled, the kind, extent and disposition of noxious weeds found and such other information as may be required by the Commissioner.

Sec. 11. **Notice—Expense—Penalty.**—All notices provided for by this act shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided. Whenever any person in compliance with a notice served upon him fails to cut down, eradicate or otherwise destroy any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, the local weed inspector having jurisdiction, or if there is no local weed inspector, the Commissioner of Agriculture shall cause the same to be cut down, eradicated or otherwise destroyed at the expense of the township, city or village in which the land affected is situate and claim for such expense of advertising and posting and serving of notices together with the cost of cutting down, eradicating or otherwise destroying the noxious weeds, are hereby made legal charges against the township, city or village in which said lands are located. After such cutting down, eradicating or otherwise destroying of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the cost of all services rendered in connection with serving and publishing of notice and cutting down, eradicating or otherwise destroying the noxious weeds on each separate tract or lot of land, with the clerk of the town, city or village in which such lands are located and such statement shall be authority for the immediate issuance by such clerk of proper warrants to the persons named therein for the amount specified. The amount of such expenses, shall constitute and be a lien in favor of the town, village or city or as the case may be against the land involved and shall be certified by the town, village or city clerk to, and entered by, the county auditor on his tax books as a tax upon such land and shall be collected in the same manner that other real estate taxes are collected. The amount of such expenses when collected, shall be used to reimburse the town, village, city or county for its expenditures in this regard. Where the lands involved are located in unorganized territory the expense of eradicating and destroying such weeds shall be paid by the County Auditor out

of the general revenue fund of said county, upon the verified itemized statement of the weed inspector and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be a lien in favor of such county against the lands involved and shall be collected in the same manner as other real estate taxes are collected.

**Sec. 12. Violation—Penalties.**—Any person who violates any of the provisions of this act or who violates any duly adopted regulation of the Commissioner, or who neglects, fails or refuses to comply with any notice duly issued hereunder by the Commissioner or local weed inspector and duly served upon him or who fails, refuses or neglects to perform any duty imposed upon him by this act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly.

**Sec. 13. Application.**—This act shall not apply to unoccupied platted lands less than one acre in area situated more than one-half mile inside the boundaries of any city which now has or may hereafter have 300,000 or more inhabitants.

**Sec. 14. Laws repealed.**—Chapter 320, General Statutes of Minnesota 1921 is hereby repealed.

**Sec. 15.** This act shall take effect and be in force from and after its passage.

Approved April 18, 1923.

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#### CHAPTER 319—S. F. No. 986.

*An act to amend Section 4697, General Statutes 1913, as amended by Chapter 485, Laws 1921, relating to the suppression of dangerous, infectious and contagious diseases of animals.*

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

Section 1. **Tubercular and glandered animals to be paid for.**—That section 4697, General Statutes 1913, as amended by chapter 485, Laws 1921, be and the same is hereby amended to read as follows:

“4697. (a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis or foot-and-mouth disease nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the state board, and are pronounced by him to be so diseased. And whenever any animal is killed because it is afflicted with either of said diseases, its cash value immediately before the killing, and the cash value of the carcass, if any, shall be fixed within twenty-four hours thereafter, by appraisers chosen in the manner prescribed in section 4695. The value of the carcass shall be deducted from that of the living animal, and two-thirds (2/3) of the remainder shall be paid to the owner by the state: Provided, that *no such animal shall be so ap-*