

gate amount of the traveling expenses of all county commissioners of any such county, which may be so allowed and paid, shall not exceed the sum of \$2,400 in any one year, and provided further that if a county commissioner uses his own team or automobile in the necessary performance of his official duties he shall be allowed for the use thereof such reasonable amount as the use of a team or an automobile could be hired for under the same circumstances from a person engaged in the livery business in the same locality. Such allowance, however, shall not exceed ten cents per mile for each mile actually and necessarily traveled and no charge shall be made or paid for the time consumed while in waiting.

**Sec. 2. Inconsistent acts repealed.**—That all acts and parts of acts inconsistent herewith are hereby repealed.

Approved February 10, 1927.

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#### CHAPTER 9—H. F. No. 181

*An act authorizing the payment of additional salaries to County Commissioners in certain cases.*

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

**Section 1. Payment of additional salaries authorized.**—That in all counties having a population of not less than 45,000 nor more than 60,000 and consisting of not less than 60 nor more than 75 congressional townships, wherein the annual salary of county commissioners as fixed by section 684, General Statutes 1913, on and prior to April 15, 1919, was \$800, and wherein, during any part of the years 1925, 1926 and/or 1927 the county commissioners shall have received salaries in lesser amounts than at the rate of \$800 per annum, the county boards thereof hereby are authorized to allow and cause to be paid out of the general revenue funds of their counties, to the persons who shall have received such lesser salaries, additional salaries in amounts equal to the difference between salaries at the rate of \$800 per annum and the salaries so received during such period.

Approved February 10, 1927.

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#### CHAPTER 10—H. F. No. 43

*An act specifically prohibiting the cutting, removal or transportation for decorative purposes or for sale of growing Pine, Cedar, Evergreen or Coniferous Trees, Bushes, Saplings or Shrubs*

*in their natural condition and untrimmed (excepting nursery stock) without the written consent of the owner of the land on which the same are grown; making the violation of this act a crime and prescribing penalties therefor and rules of evidence in prosecutions thereunder.*

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

**Section 1. Cutting, etc. of certain trees forbidden.**—No person shall cut, remove or transport for decorative purposes or for sale, in its natural condition and untrimmed, any growing pine, cedar, evergreen or coniferous tree, bush, sapling or shrub (except nursery stock) without the written consent of the owner of the land on which the same is grown, whether such land be publicly or privately owned. Such written consent shall contain the legal description of the land where such tree, bush, or sapling or shrub was cut, as well as the name of the legal owner thereof, and if not recorded in the office of the proper register of deeds, shall be carried by the person cutting, removing or transporting any such trees, bushes, saplings or shrubs untrimmed or in their natural condition, and shall be exhibited to any officer of the law at his request at any time. Failure to so exhibit such written consent shall be prima facie evidence that no such consent was given or exists.

**Sec. 2. Penalties.**—Any person who violates any of the provisions of this act shall, for the first violation, be guilty of a misdemeanor; and for a second and each subsequent violation during the same calendar year shall be guilty of a gross misdemeanor.

**Sec. 3. No proof of intent necessary.**—In any prosecution under this act, it shall not be necessary to prove any intent of the accused other than such intent as may be inferred from the doing of the acts or things herein prohibited; but any honest mistake of fact (either as to section lines or otherwise) which could not have been avoided or discovered by due care and diligence, if established by satisfactory proof on the part of the accused, shall be a good defense. But it shall be no defense, nor admissible in evidence, that the violation charged was committed by the accused for the purpose of procuring Christmas trees or for any other decorative purpose.

**Sec. 4. Application.**—This act shall be deemed supplementary and in addition to, and shall in nowise detract from, modify, or repeal any existing statute or law, civil or criminal, which is or may be applicable to anything done in violation of this act. But, at the election of the prosecutor, any offender may be prosecuted under either or any of said statutes or laws, but not more than once for the same offense.

Approved February 10, 1927.

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