

missioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or approved shall thereafter be re-appraised before being offered for sale. Provided, that if the improvements upon said lands were made by one who in the opinion of the state land commissioner settled upon said land in good faith, believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to this state, then the value of such improvements shall be appraised separately, and if at the sale of such land the settler who made the improvements shall be the purchaser, he shall not be required to pay for such improvements; but if a person other than such bonafide settler purchase said land and the improvements at such sale, said purchaser shall pay to the state within thirty days, the full amount for which improvements are appraised and the amount so received by the state for such improvements shall be paid over to such settler, his heirs, or assigns by warrant drawn by the state auditor upon the state treasury, and the amount necessary to make such refundment is hereby annually appropriated.

Provided further, that in order to be permitted to purchase such land and improvements from the state without paying for the improvements, the bona fide settler must make such purchase at the first sale held by such state auditor in which the land in question is offered for sale, and

Provided further, that prior to such sale by the state auditor any and all contest proceedings or actions involving the land in question, which had been instituted or are pending relative to the land in question must have been finally determined."

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

Approved April 20, 1927.

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#### CHAPTER 333—S. F. No. 440.

*An act to amend General Statutes 1923, Section 5543, as amended by Laws 1925, Chapter 380, relating to the taking of beaver and otter.*

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

Section 1. **Beaver and otter.**—That General Statutes 1923, Section 5543, as amended by Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

"5543. No person shall take or possess otter or beaver at any time, or molest or disturb any otter or beaver, except that, in the event that beaver shall at any time, in any locality, become so numerous that in the judgment of the commissioner, a limited number thereof may be taken *in the interest of conservation* without unduly depleting the species, or when they cause *substantial* damage to a railroad right-of-way, public highway or private property *such as to seriously prejudice property rights therein*, then and in such case the commissioner, upon the receipt of a license fee of \$1.00, and upon the execution and delivery to the commissioner of a bond in the sum of \$500.00, with sureties to be approved by him, conditioned, upon the faithful observance of the laws of this state relating to wild animals and the regulations of the commissioner, may issue to any person *as hereinafter provided*, a license to take beaver, specifying therein the number of beaver, the time when and the place where the same may be taken. The licensee shall report, within fifteen days after the taking of any beaver, the number of beaver so taken by him, to the commissioner, whereupon the commissioner shall issue to the licensee a distinctive tag for each beaver taken, and upon receipt thereof, the licensee shall affix one such tag to each beaver. The licensee shall pay the commissioner a fee of \$1.50 for each tag so issued. Beaver so taken and tagged may be bought, sold and transported at any time. The commissioner shall keep a record of each tag, the number sold, to whom sold, and the date of sale.

Beaver may be trapped in a game refuge only by the Game and Fish Department by persons employed so to do by the Game and Fish Commissioner under the same conditions hereinbefore specified.

*Whenever, for the reasons existing as provided in Section 5543, the commissioner deems it essential to take beaver as provided herein, he shall give to the occupant of any land upon which such beaver taking is contemplated, providing the same is occupied, a written notice of such intention and the approximate number of beaver proposed to be taken, such notice to be sent by registered mail to the actual post office address of each such occupant, if any there be. The said occupant of any such lands so proposed to be affected shall thereupon have first right and privilege, if exercised within fourteen days after the receipt of such notice from the commissioner, to make personal application to trap, and without payment of fee, to himself take and trap such beaver, in the manner herein provided. Failure of such occupant within such fourteen day period to avail himself of such right shall entitle the commissioner to proceed as in the case of unoccupied lands to grant such license to any other person applying therefor as provided by this act.*

*The word "occupant" as herein used shall not apply to those who are trespassers, campers, or squatters upon lands and who hold without colour of title, lease, or actual consent of the true owner thereof. The area of land embraced within such occupancy shall be the entire acreage, and the private waters thereon, which are actually under the control and supervision of the occupant and immediately contiguous to his place of abode thereon."*

Approved April 20, 1927.

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CHAPTER 334—S. F. No. 445.

*An act making alfalfa seed, sweet clover seed, red clover seed, and other grass seeds subject to grading and inspection as now provided by law with respect to wheat and similar grains; delegating plenary powers to the Railroad and Warehouse Commission to do all things appropriate for carrying out the provisions and accomplishing the purposes of this act; and providing for collection of fees by, and payment of the expenses of the commission in such connection.*

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

**Section 1. Grass seeds must be inspected.**—That alfalfa seed, sweet clover seed, red clover seed, and all other grass seeds now or hereafter grown in commercial quantities in this state, be and the same hereby are made subject to and brought within the provisions of the laws of this state which authorize, provide for, and regulate the establishment of "Minnesota Grades" and the grading thereunder of wheat and similar grains, including sections 5031 to 5058, both inclusive. General Statutes 1923, and all other applicable provisions of the statutes. Provided, however, that the railroad and warehouse commission shall have plenary power, so far as the same may be constitutionally delegated, to supplement the provisions of said statutes and adapt the same to the purposes of this act; and to that end said commission may make, promulgate and enforce all rules, regulations, directions and orders appropriate or convenient for the purposes aforesaid.

**Sec. 2. Railroad and Warehouse Commission to determine grades.**—That the railroad and warehouse commission may determine from time to time, with or without public hearing, whether alfalfa seed, sweet clover seed, red clover seed, and other grass seeds or any one or more of them, is being produced in this state in quantities and under conditions respecting sale or use thereof which permit of practical grading and inspection under the provisions of this act; and may defer,