

In addition to the penalties herein provided, bees on combs, used hives or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed.

Sec. 18. Provisions severable.—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged or decreed invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Sec. 19. Laws repealed.—That Mason's Minnesota Statutes of 1927, Sections 5461, 5462, 5463, 5464, 5465, 5466, 5467, 5468, 5469, 5470, 5471, 5472 and 5473 are hereby repealed.

Approved April 22, 1939.

CHAPTER 405—S. F. No. 709

An act relating to the eradication of the weed Indian hemp, and providing for the growth thereof for commercial purposes under license issued by the commissioner of agriculture, with penalties provided.

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

Section 1. Eradication of Indian hemp.—The growing of Indian hemp (*cannabis sativa* L.) or Indian hemp weeds from which marihuana is derived, is hereby declared to be and the same is a public nuisance and the existence thereof is a menace to the public welfare and the growth, maintenance and propagation thereof is forbidden, except as hereinafter provided for commercial uses and by licenses issued by the commissioner of agriculture. It shall be the duty of every person owning, occupying or having charge of any premises on which such Indian hemp or Indian hemp weeds are grown or are found growing, to forthwith destroy such Indian hemp or Indian hemp weeds, except as the same may be permitted for commercial uses and by licenses hereafter issued by the commissioner of agriculture.

Sec. 2. Commissioner of agriculture to enforce act.—The commissioner of agriculture is authorized and it is hereby made his duty to cause all such Indian hemp or Indian hemp weeds within the state of Minnesota, to be eradicated, except

such as are licensed in accordance with the provisions hereinafter for commercial uses. The commissioner of agriculture shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such Indian hemp or Indian hemp weeds; and the agents and employes of his department shall have power to enforce the provisions of this act and the regulations issued hereunder, and the commissioner of agriculture or his agents and employes shall have free access at all reasonable hours to any premises to determine whether such Indian hemp or Indian hemp weeds are growing thereon, and to require reports from the owners or occupants as to the presence of such Indian hemp or Indian hemp weeds.

Sec. 3. To notify owner of premises.—In pursuance of the powers hereby granted, whenever the commissioner of agriculture or his agents or employes shall have found Indian hemp or Indian hemp weeds on any premises, it shall be the duty of the commissioner of agriculture, his agents or employes as the case may be, to immediately notify or cause to be notified the owner or occupant of the premises, on which such Indian hemp or Indian hemp weeds are growing to eradicate and destroy such Indian hemp or Indian hemp weeds; such notice to be sent to such owner or occupant in such form as the commissioner of agriculture shall prescribe, and if such Indian hemp or Indian hemp weeds are not destroyed within twenty days after the mailing of such notice, if sent by registered-mail, or within twenty days after the delivery of such notice, if delivered by messenger, the commissioner of agriculture, his agents or employes, shall destroy or cause to be destroyed such Indian hemp or Indian hemp weeds. Whenever any owner or occupant of land to whom such a notice has been mailed or upon whom a notice has been served, fails and omits to eradicate and destroy any Indian hemp or Indian hemp weeds within the time required by this act, and such eradication and destruction of the Indian hemp or Indian hemp weeds is undertaken or caused by the commissioner of agriculture, his agents or employes, the commissioner of agriculture shall file a verified and itemized statement of the costs of all services rendered in connection with the mailing or serving of the notice and the eradication and destruction of such Indian hemp or Indian hemp weeds on each separate tract or lot of land with the county auditor or with the clerk of the city or the village in which such lands are located; and such statement shall be authority for immediate issuance by such county auditor or clerk of proper warrants to the persons named therein for the amount specified. The amount of such ex-

penses shall constitute and be a lien in favor of the county, the village, or the city as the case may be, against the land involved, and shall be certified to by the county auditor, the village or the city clerk, and entered by the county auditor on his tax books as a tax upon such land, and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected, shall be used to reimburse the county, the village, or the city for its expenditures in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such weeds shall be paid by the county auditor out of the general revenue fund of said county, upon the verified and itemized statement of the commissioner of agriculture, 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. 4. Growing for commercial purpose—Licenses.— Growing or maintenance of Indian hemp or Indian hemp weeds is permitted only for commercial uses as hereinafter defined. Commercial uses are such adaptations of Indian hemp or Indian hemp weeds as are necessary and proper for the manufacture of rope, sacks, and other sisal hemp products and such other non-injurious commercial products, including the manufacture of batts, yarn, thread, cordage, merchandise, cloth, and such other products as may be made from linen fiber, as have been or may be developed; submitted to the commissioner, and approved by him. The commissioner of agriculture is hereby authorized and it shall be his duty to license and authorize the growing of Indian hemp or Indian hemp weeds when the derivatives thereof are to be used solely for the commercial uses herein defined. Any person desiring to grow Indian hemp or Indian hemp weeds for commercial purposes as herein defined, shall file an application for a license therefor with the commissioner of agriculture, giving a description and the area of land intended to be so used. The commissioner shall issue a license to the applicant for the growing of such Indian hemp or Indian hemp weeds for such commercial uses as are specified in the application and license, and the growing of Indian hemp or Indian hemp weeds, pursuant to the terms of the license issued by the commissioner of agriculture shall be lawful to the extent granted by said license.

Sec. 5. Licensee to notify commissioner.—Any person to whom a license for commercial growing of Indian hemp or

Indian hemp weeds, shall notify the commissioner of the sale or distribution thereof, and the names of the persons to whom such Indian hemp or Indian hemp weeds are sold or distributed.

Sec. 6. Violation a misdemeanor.—Any person who shall violate any provision hereof, shall be guilty of a misdemeanor.

Approved April 22, 1939.

CHAPTER 406—S. F. No. 764

An act authorizing the governor, the attorney general and the state auditor to sell and dispose of the property acquired under the provisions of Special Session Laws 1919, Chapter 38, to the highest bidder for cash or such terms as may to said officials be deemed proper and to repeal Special Session Laws 1919, Chapter 38, and all acts amendatory thereof or supplemental thereto.

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

Section 1. State to sell state testing mill.—The Governor, Attorney General and State Auditor are hereby created as a commission and are hereby authorized and directed to sell at public sale, after advertising for bids as required by law, all the property acquired under the provisions of Special Session Laws 1919, Chapter 38, known as the State Testing Mill.

Sec. 2. Description of property.—The land authorized to be conveyed by Section 1 hereof is described as follows: The Northerly two hundred (200) feet of Block 2 of "H. F. Williams and Lamberton's" addition to the City of Minneapolis, and which is more particularly described as follows: Beginning at the Northwest corner of said Block 2, thence southeasterly along the Westerly line of said Block 2, a distance of two hundred (200) feet to a point, thence east parallel with the south line of East 34th Street, a distance of about one hundred eighty-two and forty-five hundredths (182.45) feet to the easterly line of said Block 2 (said Easterly line being the Westerly Right of Way line of the Minnesota Central Railway [Chicago, Milwaukee & St. Paul Railway]), thence northwesterly, along said easterly line of said Block 2, a distance of two hundred (200) feet to the northeasterly corner of said Block 2, thence west along the north line of said Block 2, a distance of about one hundred eighty-two and twenty-five hundredths (182.25) feet to the point of beginning, according to