

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

Approved April 25th 1895.

95 C 274
97 - 244

S. F. No 380.

CHAPTER 274.

Weeds.

A act to provide for the destruction of a weed commonly known as the Russian thistle, and to appropriate money therefor.

Preamble.

Whereas the Russian thistle has already made its appearance in many of the counties of Minnesota, and unless promptly exterminated will become greatly injurious not only to the agricultural interests, but to every legitimate business in the state, and,

Whereas there must be concerted action through all the infested areas in order to destroy the Russian thistle, therefore,

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

Nuisance.

SECTION 1. The weed commonly known as the Russian thistle is hereby declared a public nuisance, demanding prompt and efficient action on the part of the state for its abatement.

Misdemeanor
for allowing.

SEC. 2. Any person or persons, company or corporation, owning or occupying any land within this state, whether said land be within the limits of any village or city, or elsewhere, or having the control of any such land, who shall knowingly permit or suffer any Russian thistle to grow or remain thereon after the expiration of the date named in the notice as provided for in section three, shall be deemed guilty of a misdemeanor, and of maintaining a public nuisance, and, on conviction thereof before any court having jurisdiction shall be punished by a fine not exceeding one hundred (\$100) dollars, nor less than ten (\$10) dollars and costs of prosecution.

And the finding of such thistle or thistles standing and growing on any such land after the date named in the notice shall be prima facie evidence that the person or corporation owning or occupying the same or having the control thereof, knew of and permitted the same to grow and remain thereon.

SEC. 3. For the purpose of fixing a time after the expiration of which such thistles may be destroyed by public authority, it is hereby made the duty of the board of county commissioners to fix by resolution a

time for the destruction of all Russian thistles standing or growing in their respective counties.

Notice of such time shall be forthwith published by the county auditor in the official paper of the county for three successive weeks, and the county auditor shall at once mail notice to each town clerk in his county, and notice of such time shall be forthwith posted by each town clerk in the usual places for posting such public notices in each town, and such time shall be so fixed and notice thereof given, as above provided, early enough each season to enable those whose duty it is to destroy such thistles to do the same in time to prevent them from maturing seeds. Public notice.

And it is hereby made the duty of all owners and occupants of lands within such towns, counties, villages or cities to destroy all such thistles growing on their lands at or before the expiration of the time so fixed; and if they shall fail to do so, the public authorities shall destroy the same at the expense of said owners or occupants as hereinafter provided.

It shall also be the duty of the county auditor to notify the division superintendents of all railways within the county of which he is auditor of the date set by the board of county commissioners before which all Russian thistles must be destroyed.

SEC. 4. Every board of town supervisors, or in case of organized towns, the board of county commissioners, or in case of villages or cities the village or city council shall appoint one or more persons to be known as "weed agents" for each township or smaller district whose duty it shall be to destroy or cause to be destroyed in such district as shall be definitely allotted to him by the town or county board or by the village or city council, before the expiration of the time for the destruction thereof by others, all Russian thistles found growing on the public highways or streets in his district; and, after the expiration of the time fixed for the destruction of such thistles by the owners or occupants of lands, as provided in section three of this act, each weed agent shall destroy or cause to be destroyed before the time such thistles mature seeds all such thistles found standing and growing on the lands within his district other than public highways, and for this purpose he may lawfully enter upon any such lands, if he has reason to believe that such thistles are growing thereon. Weed agents,

Provided, however, that no town supervisor shall be appointed as "weed agent."

For these services such weed agents and persons employed by them, shall be entitled to such compensation

as shall be fixed by the board or council appointing them.

Duties of weed
agent.

SEC. 5. It shall be the duty of such weed agent to present to the board of supervisors of his town, or where towns are not organized to the county commissioners or in villages or cities to the village or city council, an itemized account verified under oath, giving the description of each piece of land with the name of owner and occupant, upon which Russian thistles have been destroyed by said weed agent or persons employed by him, and the amount due each person for services in such work.

He shall also in like manner make a statement showing the cost of destroying the thistles upon public highways.

Auditing ac-
counts.

SEC. 6. It shall be the duty of the board of town-supervisors, or where towns are not organized of the county commissioners or in villages or cities of the village or city council, to audit the accounts presented by the weed agents for the destruction of Russian thistles on the public highways and streets, and to pay the amount allowed out of the general town fund, if audited by the town board, or out of the county fund if audited by the county board, or out of the village or city fund if audited by the village or city council.

Same.

SEC. 7. It shall be the duty of the board of supervisors to audit the bills presented by the weed agents for the destruction of Russian thistles on highways, or under his direction on lands other than public highways, and the amount allowed on each parcel or lot of land shall be certified by the board of supervisors or by the village or city council to the board of county commissioners.

Upon the approval of the board of county commissioners, in case of towns not organized the board of county commissioners alone shall audit and approve at any regular or special meeting, and after the expiration of thirty days if appeal is not taken from the action of the county commissioners, as the law provides in other cases, it shall be the duty of the county auditor to draw a warrant upon the county treasurer for the amount allowed; and the county auditor shall certify to the state auditor the full amount allowed by the county commissioners for the destruction of Russian thistles in the county; and upon receipt of the certificate of the county auditor of the counties where Russian thistles have been destroyed as provided for in this act, the state auditor shall draw his warrant upon the state treasurer in favor of each county for the full amount certified by each county auditor and the state treasurer shall

immediately pay the amount so certified to each county.

SEC. 8. The sum of twenty-five thousand (\$25,000) dollars or as much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated for each of the years eighteen hundred and ninety-five and eighteen hundred and ninety-six to be a revolving fund to carry out the provisions of this act, and the same shall be known as the Russian thistle fund. Appropriation.

SEC. 9. It shall be the duty of the county auditor to enter upon the tax list in a separate column for the purpose headed "For the Destruction of Russian Thistles," the amount allowed by the county commissioners and actually expended for the destruction of the Russian thistle as a tax upon each separate parcel or lot of land upon which such thistles were destroyed by the weed agents under the authority of this act, to be collected as other land taxes are collected, and the entry of such tax upon the tax roll shall be conclusive evidence of the liability of the land so taxed to such tax. Taxation.

SEC. 10. The county treasurer shall immediately after such settlement in February, May and September pay over to the treasurer of the state all moneys received by him arising from taxes levied and collected belonging to the state, taking duplicate receipts thereof one of which shall be placed on file in the office of the county auditor. County treasurer's duty.

SEC. 11. If any township supervisor or village or city councilman or county commissioner or weed agent shall knowingly and willfully neglect or refuse to perform any of his or their duties prescribed by this act upon conviction thereof shall pay a fine of not more than one hundred (\$100) dollars, nor less than twenty-five (\$25) dollars; and it shall be the duty of the county attorney upon the complaint of any tax payer in the county to bring action and prosecute the same. Neglect of duty—penalty.

SEC. 12. All moneys arising from the collecting of fines shall be paid to the town treasurer in organized towns, or in case of towns not organized to the county treasurer, or in villages and cities to the village or city treasurer and placed by him to the credit of the general town, county, village or city fund, respectively. Proceeds from fines.

SEC. 13. Upon petition of the owner or owners of any lands in the state to the district court of the county in which the land tax for the destruction of Russian thistles is located, the judge of the district court to whom petition is made shall hear the evidence and where the payment of the tax will work extreme hardship he may make such order and grant such relief as shall be equitable and in case the tax or any part there- Appeals from tax levy.

of shall be abated, the finding of the court shall be immediately reported to the county treasurer and one copy to the county auditor.

Such petition shall be made and a determination thereof had prior to the time for the filing of the delinquent tax list by the county auditor, with the clerk of the district court, and eight days notice of the time and place of hearing thereof shall be given by the appellant to the county attorney of the proper county.

State lands.

SEC. 14. The boards of town supervisors, and in case of unorganized towns the board of county commissioners shall cause to be destroyed all Russian thistles on or before the date fixed by law on all lands belonging to the state, and payment for said work shall be provided for in the same manner as is provided for in section 7 of this act for the payment of the destruction of Russian thistles on the lands of negligent owners, except that the county need not refund such moneys to the state.

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

Approved April 11th, 1895.

S. F. No. 556.

CHAPTER 275.

An act to provide for the publication of the official state and county ballot.

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

Printing
ballot.

SECTION 1. It shall be the duty of the county auditor of each county in this state, two weeks before any general election, to have the official ballot for state and county officers published for one time in the official newspaper of said county, payment for the same to be made in accordance with the contract made by the county board with the county official printer, if there be such, otherwise in accordance with statutory rates governing legal advertising.

SEC. 2. It shall be the duty of the secretary of state to forward to the county auditors of the several counties sample copies of the official state ballot within the proper time to allow the county auditors to perform the duty required in section 1.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.