

jury shall be summoned for the April term of the year 1904, or for any April term thereafter unless ordered by the court, as provided by law.

SEC. 2. The adjourned term of the district court appointed to be held on March 16, 1903, in said county, is hereby adjourned to the fourth Monday of April of 1903.

SEC. 3. All acts and part of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1903.

CHAPTER 47.

S. F. No. 113.

An act to prevent the destruction of grasses, grains and other crops by grasshoppers.

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

SECTION 1. Every tract or parcel of land in this state so infested in any year with the eggs of grasshoppers as to be so eminently dangerous to grasses, grains or other crops growing or to grow in or upon lands situate in the vicinity of the tract or parcel so infested as to threaten the destruction of a great part of any of such grasses, grains or other crops, shall from and after the date when it becomes the duty of the owner or lessee thereof to plow the same as provided in this act, and so long as the same remains unplowed and so infested, be deemed a public nuisance.

Prevent
destruction
of crops by
grasshoppers.

SEC. 2. The board of county commissioners in any county in this state is hereby authorized at any regular or special session thereof to hear and consider complaints relative to any tract or parcel of land claimed to be infested with the eggs of grasshoppers, and to fully investigate the facts in any such case. The certificate of the state entomologist to the effect that he has made examination of any such infested tract or parcel, or any portion thereof, described by him, and that in his opinion such tract or parcel, or any portion thereof so described, is or is not so infested with the eggs of grasshoppers as to be greatly dangerous to grasses, grains or other crops growing or to grow on lands situate in the vicinity of the

County
commission-
ers to hear
complaints.

Certificate of
entomologist,
prima facie
evidence.

tract or parcel so infested as to threaten the destruction of a great part of any thereof, shall be prima facie evidence of the facts therein stated at any such hearing of said board, or in any civil action authorized by, or arising from anything done pursuant to, this act. The person complaining shall cause notice to be served upon the owner of such tract, or his lessee, at least ten days prior to the day of such hearing, describing therein the tract complained of, the nature of the complaint, and the session of the board when application will be made for such hearing, naming the first day of such session; whereupon the hearing may be had on said day or upon such future day as the board shall then appoint therefor. Such notice may be served in the manner as provided in section 3 of this act for the service of a copy of the order therein authorized.

Notice,
hearing.

SEC. 3. If the board of county commissioners shall, after the hearing and investigation authorized by the preceding section, be of the opinion that any tract or parcel of land or any portion thereof is so infested with the eggs of grasshoppers to the extent contemplated by section one (1) of this act, it shall make and file its order to that effect, directing therein that the owner or lessee of such tract or parcel plow the same within the time therein stated, and cause a copy of such order to be served upon such owner, or his agent, or lessee, within such time as the board shall direct, not less than twenty days from the date of said order. Such copy shall be served upon such owner or lessee, if he be a resident of the county, in the same manner that a summons is served in a civil action; and if such owner or lessee resides in another county, service thereof may be made upon the agent of such owner, or lessee, if any, residing in the county; and if the owner is not a resident of this state, or his residence is unknown, and he has no known agent or lessee in the county, then service may be made by publication for two consecutive weeks in a legal newspaper printed at the county seat of such county, the last of which publications shall be made not less than ten days prior to the date when the plowing of any such tract or parcel is required to be commenced.

Order,
service.

On non-
resident, by
publication.

The order of the said board authorized by this section may be in substantially the following form:

Whereas, at a meeting of the board of county commissioners of—— county, held on the —— day of ——, 19—, the said board did duly hear and investigate relative to a complaint that the tracts or parcels of land hereinafter described are so infested with the eggs of grasshoppers as to be greatly dangerous to grasses, grains or other crops growing or to grow on the lands situate in the vicinity of such tracts, as to threaten the destruction of a great part of such grasses, grains or other crops; and, whereas, the said board is of the opinion that such danger exists, the said tracts being described as follows.

Form of order.

(Here insert description.)

It is hereby ordered and directed that the owner (or his lessee) of said tract or parcel of land shall, not later than the——day of——, 19—, begin, and with reasonable dispatch continue, the plowing of said tract or parcel and all thereof, and complete such plowing prior to the——day of——19—.

(Or if all the lands complained of are not so infested, then describe the portions thereof found to be so infested and required to be plowed).

County auditor, duty.

The county auditor is hereby required to cause a copy of this order to be served upon the owner of the lands hereby required to be plowed, or his agent (or lessee), in the manner required by law for the service thereof.

.....
 Chairman Board of County Commissioners.
County.
 State of Minnesota.

Attest:.....

County Auditor.

Dated.....

SEC. 4. If the owner, or his lessee, of any tract or parcel of land described in any order made pursuant to section 3 of this act, upon whom service of a copy of such order has been duly made, shall fail or neglect to substantially comply therewith, he shall be deemed to maintain a public nuisance within the meaning of this act, and to consent that the said tract or parcel of land may be plowed by the county; and the board of county commissioners, when informed of such failure or neglect, shall cause the land found by it to be so infested to be plowed, under the direction of the chairman of said

Failure to comply with order.

Expenses,
how paid.

board; and the expenses incurred by reason of such plowing shall be paid out of the county treasury upon the warrant of the county auditor, in favor of the person entitled to the same.

Owner, or
lessee
liable.

SEC. 5. Whenever any tract of land shall have been plowed by the county, pursuant to the provisions of this act, and the plowing thereof, shall be of value to the owner, or his lessee thereof, in the raising of any crops thereon during the season immediately following such plowing, such owner, or lessee, shall be liable to the county to the value of such plowing. Whenever the board of county commissioners is of the opinion that any such liability has arisen by reason of such plowing, it shall determine the sum for which such owner or lessee is so liable, and direct the county auditor to demand the immediate payment thereof into the county treasury; and if the same is not paid upon such demand it is hereby made the duty of the county attorney to bring a civil action in the name of such board against the party so in default, for the recovery of the same and interest thereon from the date of such demand, provided that the amount so determined by the board of county commissioners shall be prima facie evidence of the value of such plowing.

Suit for
recovery
of money
paid out
of county
treasury.

State
entomologist.

SEC. 6. For the purpose of this act the entomologist employed by the regents of the University of Minnesota, at the state experiment station, located at the capitol of the state, shall be deemed the state entomologist.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 10, 1903.