

Oaths.

SEC. 5. Each member of such commission shall, before entering upon the performance of such duties as such member, take and subscribe an oath that he will faithfully perform his duties as a member of said commission, which said oath, with the certificate of the officer administering same, shall be filed in the office of the secretary of state.

No compensation.

SEC. 6. Said commission shall receive no salary or compensation for their services, and they shall receive no compensation for their expenses incurred in the performance of their duties under this act.

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

Approved April 15, 1905.

H. F. No. 448.

CHAPTER 204.

Sale of state lands.

An act relating to the sale of timber on state lands, defining trespass thereon and prescribing penalties therefor.

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

TRESPASS ON STATE LANDS.

Trespass.

SECTION 1. Damages. Penalty.—Whoever, without valid permit, shall cut any timber upon the lands owned by this state, or remove or carry away any such timber, or any other property belonging or appertaining to said lands, or shall commit any other trespass upon said lands, or shall induce or assist another so to do, shall be liable, in an action brought by the state, in treble damages, if such trespass is adjudged to have been willful, but in double damages, only, if such trespass is adjudged to have been casual and involuntary. But no trespass shall be adjudged casual or involuntary unless some good and sufficient reason shall be shown why the person committing such trespass did not know that the lands on which such timber was unlawfully cut were owned by the state. And any person or corporation found to have acquired possession in any manner whatsoever of any logs unlawfully cut on lands owned by this state, shall be conclusively presumed to have acquired the same with knowledge that they were so unlawfully cut; and shall be liable to the state in a civil action for twice the value of such logs and

Logs unlawfully cut.

Liability of twice the value.

it shall be no defense in any action to plead or claim a purchase of such logs from anyone other than the state land commissioner, nor shall such defendant be allowed to claim that any other person should be joined as defendant; and he shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in preparing the same for market or transporting the same to or towards market. *And every such trespass willfully committed shall be deemed a felony.

SEC. 2. Recovery from Tenants, Etc.—If any person holds or continues in possession of any lands mentioned in this chapter, contrary to the conditions or covenants of any lease, certificate of sale, permit or other written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action for the recovery of possession of such lands, and damages for the detention of the same.

Forcible
entry and
detainer.

SEC. 3. Duties of Attorney General.—The attorney general shall prosecute, or cause to be prosecuted by the county attorney whenever, in his opinion, the public interest so requires, any person who may be charged with any indictable offense under this chapter.

Attorney
General
shall
prosecute.

SEC. 4. Same. County Attorneys.—The county attorneys of the several counties shall promptly report to the state auditor all trespasses committed upon the lands mentioned in this chapter which may come to their knowledge, and, when directed by the attorney general, shall prosecute all actions for any trespass or injury thereto, and for the recovery of the possession thereof, or otherwise.

Duties of Co.
Attorneys.

SEC. 5. Damages to State.—All damages recovered on behalf of the state for any trespass or other injury upon or to any of the lands in charge of the auditor shall be paid over to the state treasurer, for the benefit of the fund to which the same properly belongs.

Payment of
damages.

SEC. 6. Court to Charge Grand Jury.—Every court having jurisdiction thereof shall charge the grand jury, at each term of such court, to inquire into all offenses against the provisions of this act, and to present any person who may be guilty of any such offense within their county.

Grand jury.

TIMBER LANDS.

SEC. 7. Duties of State Auditor.—The auditor shall make thorough inquiry into the extent, character and value of the lands belonging to the state which are chiefly

State audi-
tor's duties.

valuable for the timber thereon. He shall take such measures as will protect such timber from damage or loss by fire, trespass or otherwise; and he shall make such regulations, in conformity with the other provisions of this act, for the care and control of such lands, and for the sale of the timber thereon, as will best protect the interests of the state.

May sell
timber.

SEC. 8. Sale of Timber.—The auditor may sell the timber on the pine lands in his charge, including tamarack and cedar timber thereon suitable for posts, telegraph poles, or railroad ties, when authorized to do so by the board of timber commissioners, and not otherwise. When such sale is made, the auditor shall issue to the purchaser a permit to cut and remove the same. Before any sale is made, the timber shall be estimated and appraised, but no sale shall be made on any estimate or appraisal made more than one year prior thereto.

Auditor
appoints
estimators.

SEC. 9. State Estimators.—The auditor may appoint such state estimators as may be necessary to examine the lands in his charge, and to estimate and appraise the timber thereon; and he may discharge such estimators from time to time, as he deems best. Each estimator shall be a citizen of the state, an experienced land surveyor, or cruiser, and acquainted with the value of pine lands and stumpage, and shall have at least five (5) years' practice in surveying or cruising and estimating such lands and the timber thereon. Before any person is so appointed he shall file with the auditor an affidavit showing that he possesses all the qualifications aforesaid. At the time of his appointment he shall give a bond to the state in at least the sum of \$5,000.00, conditioned for the faithful performance of his duties, which bond shall be approved by the auditor, and, with the required oath, filed in his office. The state estimators are hereby authorized to arrest any person found trespassing upon state lands and deliver him to the sheriff of the county, and such estimator shall immediately enter a complaint before a justice of the peace in said county, charging the person so arrested with such trespass, and the person so in custody shall be arraigned and given a hearing on such complaint. Such state estimators shall wear when on duty a badge of office to be designed and provided by the state land commissioner. And it is hereby declared a misdemeanor for any person not a duly appointed and acting state estimator to

Bond.

Authority.
to arrest.

Badge
of office.

wear such a badge or to personate or claim to be a state timber estimator.

The board of timber commissioners, created by section 13 of this act, are hereby authorized to dispose of and settle for, at stumpage value, timber cut by railroad companies upon right of way of land acquired from the State of Minnesota, or cut upon state lands and actually used in the construction of a railroad, also for the timber used in the construction of dams, lumber camps or public improvements of a permanent nature.

Timber cut
by railroad
companies.

Provided, however, that no such settlements shall be made until the timber has been scaled or counted and appraised by a duly appointed state land examiner or timber estimator.

SEC. 10. Same. Appraisal. Report.—Whenever the auditor shall call upon any estimator so to do, he shall examine any lands designated, and estimate and appraise the timber thereon, and make report thereof. Such report shall be made from his field notes made on the lands, and be by him entered in his own hand in a book kept in the auditor's office, and known as the record of appraisals. Such entry shall be dated when made, and subscribed and sworn to upon the record. At the same time the estimator shall file in said office all plats and field notes made by him, and affix his signature to each plat and to each page of the field notes.

Appraisal
and report.

SEC. 11. Contents of Report.—No such report shall embrace more than one section, or fractional section of land, according to the government survey, and shall show the amount of timber upon each 40 acre tract or lot. The report shall state the amount of each kind of timber subject to sale which measures not less than eight inches in diameter twenty-four feet from the ground; the value per thousand feet of all such timber; the amount and value of all timber below such standard, including pine, tamarack, and cedar posts, telegraph poles, and railroad ties; the distance of the timber from the nearest lake, stream or railroad, and the character of the land; what amount, if any, of the timber has been burned, and the extent and character of the burning; the situation of the timber, relative to risk from fire or damage of any kind; the date of examination; the number of hours spent and the expense necessarily incurred in making the same and in going to and returning from the land; and that estimator was actually upon the land when he made his estimate.

Embraced
by report.

Penalty for
false report.

SEC. 12. False Report. Penalty.—Every state estimator or appraiser who shall make a false report or insert in any such report any false statement, date, estimate, or appraisal, or who shall make any such report without having examined the land embraced therein, or who, in making any affidavit as to his qualifications for appointment, shall insert therein any false statement, shall be deemed guilty of a felony.

Board of
timber com-
missioners.

SEC. 13. Board of Timber Commissioners.—The governor, treasurer, auditor and attorney general shall constitute a board of timber commissioners, of which the governor shall be chairman. The auditor shall be ex-officio secretary of the board, and he or his deputy shall attend each meeting and make full minutes of the proceedings, which shall be signed at the close of each meeting by the commissioners present, and shall be kept subject to public inspection in the office of the auditor. The

Quorum.

governor and one other member shall be a quorum for the transaction of business. Before any timber is sold the auditor shall submit to the board, which shall meet from time to time, upon the call of the governor, the question of such sale, and shall produce the record of appraisal of such timber, and the board shall examine the same, together with other documents and records and such witnesses as it may require. If the governor and at least one other member of the board shall so determine, they shall enter upon the record of appraisals a statement, dated and signed by them, that such timber is in danger of being injured, and that a sale thereof is necessary to protect the state from loss. Thereafter, and not before, the auditor may make such sale. Whenever any member of the board becomes satisfied, before issuance of a permit, that, by reason of fraud or misstatement on the part of any estimator, witness or officer, or by reason of any combination or irregularity, the interests of the state so demand, he shall withdraw his approval of any sale, by an entry signed by him upon the record of the appraisals. No sale of timber shall be made until not less than two independent estimates have been made.

Statement.

Cruisers.

SEC. 14. Special Agent.—The timber board may appoint one or more agents or cruisers to gather evidence in any action brought by the state or to investigate the correctness of any estimator's report, or to ascertain whether any timber proposed to be sold is subject to sale, or whether any trespass has been committed on state lands,

and may send such agent to examine such timber or lands. The employes of said timber board, independently of the state auditor and estimators shall report in writing to the governor, and the money necessary to defray expenses and the rewards provided for in this act, is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars (10,000) or so much thereof as may be necessary and shall be paid upon verified accounts audited by said board.

Report to
governor.

The auditor shall forthwith advise the timber board of any information acquired by him concerning any trespass on state lands, giving all details and names of witnesses.

SEC. 15. Public Auction. Notice.—No timber shall be sold, except to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the record of appraisals. All sales, except as provided in the following sections, shall be held at the capitol. The auditor shall give eight weeks' notice thereof published in two daily newspapers, one of which is published in the city of St. Paul and the other in the city of Minneapolis and such notice shall appear in each issue consecutively of each of such papers during said eight weeks of publication, in the following form:

Sales at
public
auction.

Notice
of sale.

“NOTICE OF SALE OF STUMPAGE ON STATE LANDS.”

“Notice is hereby given that I will offer for sale at public auction at the state capitol, in St. Paul, on the — day of — A. D. —, at — o'clock in the —noon, certain timber belonging to the state and liable to waste.

Form
of notice.

“An official copy of the list of lands upon which said timber is situated will be furnished by me to all applicants on and after the — day of —, A. D. —. Said list will be published, in connection with this notice, once a week for three weeks next prior to said sale.

“Dated, St. Paul, Minn., this — day of —, A. D. —.

“_____”
“State Auditor.”

At least thirty days before the date of sale, the auditor shall compile a list containing a description of each tract of land upon which any timber to be offered is situated, and a statement of the quantity of timber thereon, as shown by the official estimate. No description shall be added after the first publication of the list, and no tim-

List of lands.

ber shall be sold from land not described therein. Copies of the list shall be furnished to all applicants. Such list, with a statement that it is the list referred to, shall be published in accordance with said notice. A copy of such list and notice shall be conspicuously posted in the office of the auditor of each county in which any of said lands are situated at least fifteen days prior to the date of sale.

Posting list.

Sale of stumpage.

SEC. 16. Stumpage in Small Parcels.—The auditor may sell the stumpage on any tract of pine land not exceeding one section in area, where such stumpage does not exceed 100,000 feet, at public auction, to the highest bidder, for cash, at the county seat of the county in which such tract is situated; the whole of the purchase price to be paid, at the time of the sale. He shall give three weeks published notice of any such sale. In all other respects such sale shall be subject to all the restrictions and conditions applicable to the sale of other timber.

Emergency sales.

SEC. 17. Annual and Emergency Sales.—Except as provided in this and the preceding section, there shall be only one sale of timber in each year, which shall be held not later than November 1st, and may be adjourned from day to day, but no longer, until completed: *Provided*, that in case of emergency, if the board of timber commissioners shall unanimously determine that it is for the best interests of the state that a second sale shall take place before the next regular sale, it shall be held under the same regulations, so far as practicable, as are provided for regular sales, except that the notice of sale shall contain the description of the tracts on which the timber to be sold is situated, and shall state that the sale is to be held pursuant to the recommendation of the said board, and shall be published daily for at least three weeks next prior to the date of sale under rules prescribed in section 15.

Second sales.

Payments.

SEC. 18. Cash Payment.—The purchaser at any sale of timber, except in the cases provided by section 16, shall immediately upon the approval of his bid pay to the state treasurer 25 per cent of the appraised value, and the treasurer shall issue duplicate receipts therefor, one of which shall be delivered to the purchaser, and the other filed with the auditor. In case any purchaser fails to make such payment, the auditor may immediately reoffer said timber for sale, but no bid shall be received from the person so failing.

Permits by auditor.

SEC. 19. Permit.—Upon the delivery and filing of the

duplicate receipts mentioned in the preceding section, the auditor shall issue a permit to such purchaser in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber, therein described, according to the provisions of this chapter. Such permit shall be correctly dated and executed by the auditor, and signed by the purchaser. No permit shall cover more than two logging seasons, and the timber shall be cut and removed within the time specified therein. Not more than one section, or fractional section of land, according to the government survey, shall be described in any one permit, and no permit shall be issued to any person other than the purchaser in whose name the bid was made. The permit shall state the amount of timber estimated to be thereon, the estimated value thereof, and the price at which it is sold, or the price per thousand feet, in case it is sold by the thousand feet, and shall specify the bark mark to be used. A separate bark mark shall be used on the timber cut under each permit, and, if the permit covers more than one season, it shall specify a separate mark to be used in each season. It shall provide that the purchaser shall place the specified bark mark upon every piece of timber cut, and also plainly upon the end thereof the stamp mark MIN. and that, in case of any failure to place both bark and stump mark upon any such piece, the state shall have the right to take possession of the same wherever found. It shall contain such other provisions as may be necessary to secure to the state the title of all timber cut thereunder, wherever found until full payment thereof, and until all provisions of the permits have been fully complied with. It shall also provide that all the timber standing on the land and sold shall be cut; that the same shall be cut clean, acre by acre, without damage to other timber; that the purchaser shall pay to the state the permit price for all timber, including timber which he fails to cut and remove, and the amount of fees of the surveyor general; and that he shall, in writing, notify the surveyor general for the district, and also the auditor, at least fifteen days before any cutting is done, at what time such cutting will begin, at least fifteen days before any timber is removed from the land, at what date such removal will begin. Any permit failing to conform to the requirements of this section shall be void on its face. All permits shall be filed for record with such surveyor general.

Limit of
permit.

Bark mark.

clean cut
of timber.

Execution
of bond.

SEC. 20. Bond of Purchaser.—The purchaser, before execution of any permit, shall give bonds to the state, in double the value of timber covered by the permit, as shown by the amount of the bid and the record of appraisals as to quantity, conditioned upon the faithful performance of the terms of said permit and all requirements of law in respect to such sales, which bonds shall be approved in writing by the auditor and filed for record in his office. No member of any firm or corporation which is the purchaser of such timber shall be accepted as a surety.

Extension
of permit.

SEC. 21. Extension of Permit.—No permit shall be extended, except for good and sufficient reasons, and by unanimous consent of the board of timber commissioners and no extension shall be for more than one year. When any extension is granted a bark mark shall be agreed upon for the third season.

Assignment.

SEC. 22. Assignments.—The assignment of any permit shall be executed in the same manner as a deed of land, and shall be acknowledged. No assignment shall be operative without the approval of the auditor, who, if he shall approve the same, shall endorse his approval thereon, and record the assignment in his office. Before any such approval, the assignee shall give to the state a bond, which shall be substantially in the form and subject to the rules provided for the bond to be given by an original purchaser; but the original bond given by the purchaser and any bond given by any prior assignee shall remain in full force.

Void sales.

SEC. 23. Void Sales.—Any sale of timber made by fraud or mistake, or in violation of the provisions of this chapter, shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. In case of mistake the amount so paid shall be refunded to the purchaser, the sum necessary for such refund is hereby appropriated.

SEC. 24. Failure to Cut.—If the purchaser of any timber, or his assignee, fails to cut and remove any part thereof before the expiration of the permit, he shall nevertheless pay the price therefor; but under no circumstances shall he cut or remove any such timber after the expiration of the permit or extension thereof.

Duties of
surveyor
general.

SEC. 25. Surveyor General. Duties. Reports.—The surveyor general of each district shall scale all timber cut on pine lands in charge of the auditor. All scaling

shall be done upon the land from which the timber was cut, and all logs scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler. On or before May 15th in each year each surveyor general shall make to the auditor separate reports of all such timber by him scaled, covering the different tracts of lands embraced in the respective permits. Each report shall describe the land on which the timber was cut, and state the names, of the person cutting, the person for whom the cutting was done, and the person hauling the timber, the kind, character, the amount of the timber, the bark and the stamp marks used thereon, the number of logs or pieces, and the total number of feet. Each report shall also state specifically whether the scaling was done upon the land from which such timber was cut; whether such timber was cut according to the provisions of the permit; whether the land has been cut clean acre by acre, so far as the cutting has been made; whether the cutting was done without unnecessary waste or damage and, if not, the amount of the consequent damage to the state; whether the timber has all been cut, and, if not, how much has been left standing; whether all timber has been scaled and reported; and whether the bark and stamp marks specified in the permit have been plainly placed upon each piece of timber. Each surveyor general shall also report to the auditor every trespass committed upon the state pine lands in his district; and the auditor shall immediately cause such report to be investigated, and, if found true, shall cause such trespass to be estimated, scaled, appraised, and report the same to the attorney general for prosecution.

Report.

Contents of report.

Report of trespass.

SEC. 26. Rescale.—If the auditor shall question the scale reported by the surveyor general he may demand a rescale and in such case shall serve upon such surveyor general a written notice containing a description of the tract on which a rescale is demanded. The surveyor general shall thereupon appoint one of his deputies, who, together with a state estimator appointed by the auditor for that purpose, shall make a correct scale of all timber embraced in the permit covering such tract, whether the same has been cut and removed, or remains cut or standing on such land; and a report of such scale shall be made and signed by them, and filed for record with the auditor. Such report, if both such deputy and such estimator agree upon the scale, shall be final and binding upon the state

Auditor may rescale..

Payment for scale.

and the purchaser. If it shall appear by said rescale that the first scale was practically correct the state shall pay the said surveyor general the sum of \$5.00 for each day necessarily spent by his deputy in making such rescale, in addition to all necessary expenses incurred by him in traveling to and from such land; but, in case of a material difference in the two scales the surveyor general shall not be entitled to compensation for such rescale. A scale made under this section may be a top and stump scale.

Violation of
duty and
penalty.

SEC. 27. Violation of Duty. Penalty.—Any surveyor general who shall fail to scale all the timber cut on state pine lands in his district as required by this chapter, or who shall scale any such timber on land other than that on which the same was cut, or who shall fail to make the complete report of timber scaled by him on each tract of land covered by any permit, or who shall in any such report include timber cut on tracts covered by different permits, or who shall neglect to report any case of trespass or who shall appoint any deputy otherwise than as provided by law, or who shall not comply with any of the provisions of this chapter, shall be guilty of a gross misdemeanor.

Compensa-
tion.

SEC. 28. Compensation.—The fees of the surveyor general as provided in this chapter shall be paid by the state, and shall be ten cents per thousand feet on all timber scaled under one permit up to 500,000, and five cents for each thousand feet in excess thereof.

Gross mis-
demeanor.

SEC. 29. Failure to Mark. Sale Before Payment. Penalty.—Every person who shall cut timber on state lands, and fail to mark the same as provided by the permit, or shall place any other mark thereon, and every person who shall sell, transfer, or manufacture any timber cut on state lands, before the amount due to the state therefor shall have been paid, shall be guilty of a gross misdemeanor.

Deputy sur-
veyor general

SEC. 30. Deputy Surveyors General. Compensation.—For the purpose of carrying out the provisions of this chapter, the surveyor general of each district may appoint as many deputies as he deems necessary, and he may discharge such deputies at any time, in case of such discharge, shall immediately give written notice thereof to the auditor. No person in the employ of any person transacting a lumbering or logging business shall be so appointed. Each deputy shall be a man of experience and capable of determining, from the description accord-

ing to the government survey, the location of the land described. Each deputy shall give a bond to the state, in at least the sum of \$1,000, conditioned for the faithful performance of his duties, which bond shall be approved by such surveyor general, and, with the required oath and a duplicate of the appointment, shall be filed with the auditor within thirty days after the appointment is made. Such deputies shall receive compensation for their services directly from the surveyors general, and in no other manner.

Bond.

Compensation.

SEC. 31. Discharge of Deputy.—If the auditor shall be of the opinion that any such deputy has violated any provision of this chapter or is incompetent or unfaithful, he may present the matter to the board of timber commissioners, and, if the board shall determine that such opinion is well founded, it shall give to the surveyor general written notice of such determination, and he shall forthwith discharge such deputy, who shall not be re-appointed.

Hearing by commissioners.

SEC. 32. Violation of Duty. Penalty.—Every deputy surveyor general appointed under the provisions of this chapter, who shall accept any compensation for his services as such or any gratuity, directly or indirectly, from any other person than the surveyor general of the district in which he is appointed or who shall knowingly make any false report of timber scaled or insert in any such report any false statement, or omit from any such report any statement required by law to be made therein, or who shall fail to report to such surveyor general any trespass committed upon the state pine lands in such district which has come to his knowledge, shall be guilty of a felony.

Violation of duty and penalty.

SEC. 33. Timber Sales Book.—The auditor shall keep a record of all sales of timber in a book to be known as the timber sales book, and shall enter therein at the time each tract of timber is sold, and before selling another tract, the name of the purchaser, the price, and a description of the tract on which the timber is situated.

Record.

SEC. 34. Stumpage Book.—The auditor shall keep a stumpage book in which he shall enter a description of each tract of land in his charge on which timber is located; the name and date of the report of the estimator; the kind, amount, and value of the timber as shown by such report; the date of approval of the sale of the timber; the date of the sale; the price for which the timber was sold; the name of the purchaser; the number, date and date of

Stumpage book.

Contents.

expiration of each permit; the bark and stamp marks specified therein; the date of any assignment of the permit; the name of the assignee; the dates of the filing and the amounts of the respective bonds given by the purchaser and the assignee; the names of the sureties thereon; the amount of timber taken from the land; the date of the report of the surveyor general; the marks used upon the timber as reported; the name of the deputy who scaled the timber; the amount paid and the date of payment, together with a specific reference to all correspondence relating to the land covered by the permit.

Auditor's statement.

SEC. 35. Payment. Bill of Sale, Etc.—Upon receipt of the surveyors general's report of the amount of timber cut under any permit, the auditor shall prepare a statement of the amount due therefor by the terms of the permit, including the fees of the surveyor general, and shall place in the hands of the state treasury a duplicate thereof. Payment of such amount shall be made by the purchaser or assignee, as the case may be, to the treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the auditor, whereupon he shall execute a bill of sale of such timber, and a transfer of the mark thereon, to the purchaser or assignee. The bill of sale and transfer shall describe the timber, its quantity and character, and the land from which it was cut, and shall be by such purchaser or assignee filed for record with the auditor and with the surveyor general of the district in which such timber was cut.

Payment.

Interest.

SEC. 36. Same. How Enforced.—If the amount of such statement be not paid immediately, it shall bear interest at the rate of eight per cent per annum from date; and, if not paid within thirty days, the treasurer shall place the account in the hands of the attorney general, who shall proceed forthwith to collect the same. Whenever the auditor shall deem it for the best interests of the state, he shall take possession of the timber for which such amount is due, wherever the same may be found, and sell the same at public auction. The proceeds of such sale shall be applied, first, to the payment of the expenses of seizure and sale; and second, to the payment of the amount due for such timber, with interest; and the surplus, if any, shall belong to the state; and, in case a sufficient amount is not realized to pay such amounts in full, the balance shall be collected by the attorney general. Neither payment of such amount, nor the recovery of

Proceeds to apply.

judgment therefor, nor satisfaction of such judgment, nor the seizure and sale of such timber, shall release the sureties on any bond given pursuant to this chapter, or preclude the state from afterwards claiming that such timber was cut or removed contrary to law, and recovering damages for the trespass thereby committed, or from prosecuting the offender criminally.

SEC. 37. Settlement for Trespass.—The timber board may settle the civil claim for trespass on lands of this state whenever it is for the best interests of the state so to do, but no such settlement shall be made until the timber taken under such trespass has been estimated and appraised or scaled by a state estimator, whose report shall be filed in the office of the land commissioner, and no settlement shall be made for an amount less than double the value of the timber as shown by such report.

Settlement
for trespass.

SEC. 38. Record of Trespasses.—The auditor shall keep a book in which he shall enter all trespasses reported, with the minutes of all estimates and appraisals and settlements thereof, together with references to any correspondence relating thereto.

Record.

SEC. 39. Seizure of Timber, Etc.—The state auditor shall take possession of any timber heretofore or hereafter unlawfully cut upon, or taken from; any land owned by the state, wherever found, and may sell the same at public auction after giving such notice as he deems reasonable, and after deducting all the expenses of such sale, the proceeds thereof shall be paid into the state treasury to the credit of the proper fund; and whenever any timber so unlawfully cut has been intermingled with any other timber or property so that it cannot be identified or plainly separated therefrom the auditor may so seize and sell the whole quantity so intermingled, and in such case the whole quantity of such timber shall be conclusively presumed to have been unlawfully taken from state land. But when the timber unlawfully cut or removed from state land is so seized and sold such seizure shall not in any manner relieve the trespasser who cut or removed, or caused the cutting or removal of any such timber, from the full liability imposed by this act for the trespass so committed, but the net amount realized from such sale shall be credited on whatever judgment is recovered against such trespasser, and in addition to any other penalty provided by law, any person who shall remove, transport, carry away, conceal or convert to his own use any

Seizure of
timber.

Judgment
against tres-
passer.

timber unlawfully cut on state lands, knowing the same to have been so cut, shall be guilty of larceny of the same and may be prosecuted and punished accordingly in the county where said property was cut or in any county into or through which said property or any part thereof may be removed, and when any corporation is guilty of the acts herein declared to be larceny each officer of such corporation shall individually and severally be deemed guilty of such larceny.

Rewards for
information.

SEC. 40. Rewards.—The following rewards shall be paid to any person or persons giving to the proper authorities any information which shall lead to the detection and conviction of any persons violating any of the provisions of this act, to wit: \$25.00 reward if the value of the timber so unlawfully cut or removed shall not exceed the sum of \$25.00; \$50.00 reward if the value of timber shall not exceed \$50.00; and \$100.00 reward if the value of such timber shall exceed the sum of \$100.00; and the court before whom such person or persons so violating the provisions of this act shall have been tried shall, upon application of any person claiming to be entitled to such reward, examine such claim in a summary manner, and determine whether or not such person claiming said reward is entitled to the same, and if it should appear to the satisfaction of said court that such person claiming such reward is entitled to the same, then and in that case a certificate of such fact shall be made by such court and delivered to said person and the treasurer of the State of Minnesota is hereby directed and required to pay such person such reward upon presentation of such certificate duly authenticated.

Amounts.

Payment by
treasurer.

Posting
notices.

SEC. 41. Posting Notice. Penalty.—Every person, firm or corporation engaged in the cutting of timber of any kind, telegraph poles or fence posts, upon any of the land belonging to this state, or upon any land whatsoever within this state, shall, before cutting such timber, post in a conspicuous place in any camp building or house occupied by his employes engaged in such cutting a notice which shall contain a full description of the lands proposed by him to be cut during such time, and which said description shall contain the precise description of said land by forty-acre tracts, or fractions thereof, of governmental subdivisions, and shall include the section, town and range, and such person or persons so engaged in cutting timber as aforesaid shall be required to keep said

notice conspicuously posted in such camp building or house during the entire time that he is engaged in cutting such timber. Any person, persons, firms or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not exceeding one hundred dollars (\$100.00) or be imprisoned in the county jail for a period not exceeding ninety days.

Penalty for violations.

Any person or persons giving to the proper authorities information which shall lead to the conviction of any person, persons, firm or corporations guilty of a violation of this section, shall receive the sum of twenty-five dollars (\$25.00) reward, to be ascertained and paid in the manner provided herein for the payment of the reward provided for in section 40 of this act. *Provided, however,* that the provisions of this section shall not apply to any person who shall be engaged in cutting cord-wood upon his own land or engaged in cutting timber for clearing any land actually owned or occupied by him.

Reward.

SEC. 42. Timber. Meaning.—“Timber,” as used in this chapter, shall be construed to mean trees, whether standing or cut, logs, posts, poles, ties, paving blocks, laths, shingles and lumber of every description.

Timber construed.

SEC. 43. The statutes of this state limiting the time for bringing either civil or criminal actions shall not apply to any action brought by the state for trespass upon any of its lands, or to any criminal prosecution instituted under this chapter, and any civil action brought under this chapter may, at the election of the attorney general, be brought in any county in this state.

SEC. 44. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 45. This act shall take effect and be in force from and after its passage.

Approved April 17, 1905.