

## CHAPTER 162—S. F. No. 270.

*An act creating the official title of "State Appraiser" and defining the duties of a state appraiser.*

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

**Section 1. State appraiser and duties to be assumed.**—The state auditor is hereby empowered to appoint one or more employees to be known as state appraiser. Whenever it is necessary to appraise state lands under the terms of existing law the state auditor shall appoint as such appraiser on the part of the state land commissioner or state auditor, one of the state appraisers duly qualified as herein provided, who shall except as herein otherwise provided, hereafter perform the duties heretofore devolved upon state land examiners or timber estimators.

**Sec. 2. Timber on state land to be estimated and appraised and lands to be valued for agricultural purposes.**—The duties of such state appraiser shall be to estimate and appraise timber upon all state lands; to make valuations of lands suitable for agricultural purposes; to check scale timber cut from state lands in trespass either situated upon state lands or removed therefrom; to check-scale any scale of timber cut on state land; to make check scales by the stump and top or any other method of timber removed from state lands; and to perform such other duties as may be assigned to him by the state auditor. Nothing contained in this act, however, shall be construed to in any way amend the provisions of title 1, chapter 38, General Statutes 1866, or any act amendatory thereto relating to the appointment of appraisers by officials other than the state auditor.

**Sec. 3. Oath of office.**—Each such state appraiser shall before entering upon the duties of his office take and subscribe an oath before a person qualified to administer oaths, that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability, and that he is not interested directly or indirectly in any of the state lands or materials improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be made a part of the bond as hereinafter provided for.

**Sec. 4. \$5,000 bond to be given and appraiser given police powers with privilege of wearing a badge to be provided by state auditor—reports to be made by appraiser.**—At the time of the appointment of any such state appraiser he shall give a bond to the state in a penal sum of not less than \$5,000 conditioned for the faithful performance of his duties, which bond shall be approved by the attorney general, and together with the oath as hereinbefore provided for, be filed in the office of secretary of state. Such bonds shall be paid for out of the gen-

eral land, timber, swamp or contingent fund of the auditor of the state.

Every such state appraiser is hereby authorized to arrest any person found trespassing, or to have trespassed, upon state lands and deliver him to the sheriff of the county, and such state appraiser shall immediately enter a complaint before a court of competent jurisdiction in said county charging the person so arrested with such trespass, and the person so charged shall be arraigned and given a hearing on such complaint.

Such state appraiser shall wear when upon duty a badge of office to be designated and provided by the state auditor.

It is hereby declared a misdemeanor for any person not a duly appointed and acting state appraiser to wear a badge or to impersonate or claim to be a state appraiser.

Whenever an appraisal or valuation is made upon lands suited for agricultural purposes, such state appraiser shall place an estimate and valuation of any timber thereon, and make a separate report thereof; such report shall be made from his field notes made on the land and be by him entered in his own hand in a book kept for that purpose, and shall be made a part of the record of the state auditor's office, such entry shall be dated when made and sworn to upon the record at the same time the state appraiser shall file in the state auditor's office all plats and field notes made by him, and affix his signature to each said plat and to each said page of the field notes. Such records shall show that said state appraiser was actually upon the land when such estimate and valuation was made.

No such report shall embrace more than one section or fractional section of land according to the government survey thereof, and shall show the amount of timber upon each forty acre tract or subdivision; provided, however, that as ownership may appear to each subdivision of land so appraised in the various trust funds of the state, so shall all appraisements, sales, and accountings therefor be done according as such title may appear as of record in the office of the state auditor; and provided further, that where appraisals, sales, and accountings heretofore made have not been made in accordance with this provision, the state auditor is authorized to make such apportionment to the various funds as he may deem equitable and just to each such fund, and such apportionment is hereby legalized and confirmed.

The report shall state the amount of each kind of timber, the value per thousand feet, and the value per piece of all such timber.

In making such estimate and valuation the appraiser shall take into consideration 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 such burning; the situation of the timber relative to risks from fire or damage of any kind, and the injury which will result in the prospective price that may be obtained in the future by reason of the removal of timber operations contiguous to or in the community of, such tract, thereby leaving such tracts isolated and the value of the timber to the State thereby lessened.

**Sec. 5. False reports declared a felony.**—Every such State Appraiser, who shall make a false report, or insert in any such report a false date, estimate appraisal, valuation quantity or statement of whatever nature; or shall make any such report without having examined the land embraced therein, or without having actually been upon the land; or who in executing his oath of office; or who in stating his qualifications as State Appraiser to the state auditor for the purpose of securing such appointment or who shall insert therein any false statement, shall be guilty of a felony.

**Sec. 6. Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 5, 1917.

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CHAPTER 163—S. F. No. 171.

*An act to legalize certain proceedings heretofore taken for the drainage of lands in certain cases and to legalize county bonds heretofore issued in pursuance thereof.*

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

**Section 1. Certain drainage proceedings and issuance of county bonds legalized.**—Where the county board of any county of this state or the judge of any of the district courts of this state, in pursuance of chapter 230 of the Laws of 1905 and the acts amendatory thereof or supplemental thereto, has located and established or attempted to locate and establish any ditch, drain or water course, wholly within any county of this state or partly within two or more counties thereof, and it has been determined by resolution adopted by said board or order made by said judge that such ditch, drain or water course will be of public utility and promotive of or be conducive to the public health and that the benefits or estimated benefits to be derived from the construction thereof are greater than the total cost, including damages awarded, and such ditch, drain or water course has been actually constructed in accordance with the plans and specifications filed by the engineer therein or of the contract made in accordance with such plans and specifications, or the county has entered into a contract or contracts for the construc-