

Section 1. Certain notices of claims legalized.—That all notices of claims pursuant to Section 1 of Chapter 391, General Laws, 1913, or pursuant to any charter provision filed against cities of the first class or the Board of Water Commissioners thereof during the month of January or February, 1925, for damages claimed to have been suffered within five months prior to the time of serving said notice and subsequent to the thirty-day period fixed by said act, or any other period fixed by said charter if otherwise regular, shall be and hereby are declared valid and sufficient for all purposes, notwithstanding such notices were not filed within the thirty days specified in said act or written any other period fixed by said charter and shall not be affected in any manner by reason of such fact, provided such notices were in fact filed with the proper body during such month of January or February, 1925, and provided further that said city or said Board of Water Commissioners shall have had actual knowledge of said claim or injury and the circumstances thereof within thirty days after the happening of the same.

Approved April 24, 1925.

CHAPTER 377—H. F. No. 747.

(Secs. 6151 to 6165, G. S. 1923.)

An act to amend Chapter 318, General Laws 1923, imposing upon the Commissioner of Agriculture certain powers and duties with reference to noxious weeds, repealing Chapter 320, General Statutes of Minnesota 1921, designating the chairmen of town boards as local weed inspectors, providing penalties and defining duties for the purpose of this act.

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

Section 1. Commissioner to administer and enforce regulations.—That all of Chapter 318, General Laws 1923, be and the same is hereby amended so as to read as follows:

“Sec. 1. The Commissioner of Agriculture is hereby authorized and it shall be his duty to execute this law and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the subject of noxious weeds and to that end may require information from any local weed inspector, mayor, county commissioner, county agent or village or borough president as to the presence of noxious weeds or other information relative to noxious weeds and their control in the localities where such officer resides or has jurisdiction; and he may enter or have someone for him enter upon any and all lands in the state and take such samples of weeds, weed seeds, grains or other material needed for said investigation of noxious weeds. Said commissioner shall also suggest and formulate methods for the eradication and removal of noxious

weeds from agricultural and other lands in this state and to that end he may from time to time publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weeds and in other ways may conduct such educational campaign as he considers desirable.

Sec. 2. **Definitions.**—In this act unless the context otherwise requires the expression.

(a) "Municipality" means a city, village or borough.

(b) "Non-resident lands" shall refer to all lands which are unoccupied, and the owner of which does not reside within the county.

(c) "Resident lands" shall refer to all lands which are occupied or which are owned by persons resident within the county.

(d) "Noxious weeds" means the annual, biennial and perennial plants herein named under classes I and II and such other plants as are or may be injurious to *public health*, *public roads* or crops.

(e) "Commissioner" means *commissioner of agriculture*.

(f) "Otherwise destroy" has reference to *killing weed plants above the surface of the ground*.

CLASS I.

COMMON NAME	BOTANICAL NAME
Perennial Sow Thistle	<i>Sonchus Arvensis</i> L.
<i>Leafy Spurge</i>	<i>Euphorbia esula</i> L.
<i>Toad-Flax (Butter and Eggs)</i>	<i>Linaria vulgaris</i> Hill
<i>Wild Oats-Varieties</i>	<i>Arvens</i> Sps. L.
Canada Thistle	<i>Caduus arvensis</i> L.
Oxeye (White) Daisy	<i>Chrysanthemum leucanthemum</i> L.
Dodders	<i>Cuscuta</i> Sps.
Common Barberry	<i>Berberis vulgaris</i> L.

CLASS II.

Blue Lettuce	<i>Lactua pulchella</i> P.
False Flax	<i>Cameline sativa</i> L.
Wild (common) Mustard	<i>Brassioa arvenis</i> L.
Tumbling Mustard	<i>Sisymbrium altissimum</i> L.
Hare's Ear Mustard	<i>Conringia orientalis</i> L.
French (Stink) Weed	<i>Thlaspi arvense</i> L.
Quack Grass	<i>Agropyron repens</i> L.
Curled (Yellow or Sour) Dook	<i>Bymex crispus</i> L.
Burdock	<i>Actium minus</i> Schk.
Cockle Bur	<i>Xanthium</i> Sps. L.
Giant Ragweed	<i>Ambrosia trifida</i> L.
Common Ragweed	<i>Ambrosia artemisifolia</i> L.
Wild (Pea) Vetch	<i>Vioia angustifolia</i> L.

Buckhorn (Plantin)
 Annual Sow Thistle
 Spiny Sow Thistle
 Russian Thistle
 Prickly Night Shade
 Horse Nettle
 Hedge Buckwheat
 Wild Buckwheat
 Morning Glory
 Graveyard Spurge
 Sheep Sorrell
 Lady's Thumb
 Wild Barley
 Darnel
 Cheat
 Sand Bur
 Purple Cockle
 Sticky Cockle
 Bladder Champion
 Smart Weeds

Plantago lanceolata L.
Sonchus oleraceus L.
Sonchus asper L.
Salsola kali (var *tragus*) L.
Solanum rostratum L.
Solanum caroline L.
Polygonum scandons L.
Polygonum convolvulus L.
Convolvulus arvensis L.
Euphorbia cyparissias L.
Rumex acetosella
Polygonum persicaria
Hordium jubatum L.
Lolium temulentum L.
Bromus secalinus L.
Cinchrus tribuloides L.
Agrostemma Githago L.
Silene noctiflora L.
Silene latiflora B. and R.
Polygonum Spp.

Sec. 3. **Classes of noxious.**—Except as herein otherwise specifically provided, it shall be the duty of every occupant of land, or if the land is unoccupied, the owner thereof or his duly accredited resident agent, to cut down, otherwise destroy or eradicate all noxious weeds of *Class I and Class II*, and grasses, standing, being or growing upon such land and upon the adjacent, one-half of every road or highway immediately adjoining such lands, in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

Sec. 4. **Railroad companies to destroy on right of way.**—It shall be the duty of every railroad company and of every suburban railway company to cause all noxious weeds standing, being or growing on the right-of-way or on land of the company adjoining the right-of-way, to be cut down, otherwise destroyed or eradicated in such manner and at such times as may be directed or ordered by the local weed inspector or by the commissioner or by anyone for him.

Sec. 5. (a) **State Highway Commissioner to Destroy on Trunk Highways.**—It shall be the duty of the state highway commissioner at the cost of the state trunk highway maintenance fund annually to cause all noxious weeds of *both Class I and Class II* growing, being or standing on all state trunk highways not within the limits of a municipality, to be cut down, otherwise destroyed or eradicated between the fifteenth day of May and the fifteenth day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner as may be di-

rected or ordered by the commissioner or by the local weed inspector having jurisdiction.

(b) The chief executive and governing board of each municipality annually shall cause to be cut down, otherwise destroyed or eradicated at the expense of the municipality all noxious weeds standing, being or growing on all public grounds, roads, streets and alleys within the limits of the municipality, between the first day of June and the fifteenth day of October next following as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such time as may be directed or ordered by the Commissioner or by a local weed inspector having jurisdiction.

(c) The owners or occupants of lots or lands abutting on streets and alleys in municipalities shall annually cut down, otherwise destroy or eradicate all noxious weeds growing, standing or being on said lots or lands between the curb line of the street or alley and the property line of their respective properties, between the fifteenth day of May and the fifteenth day of October next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or ordered by the commissioner or by local weed inspector having jurisdiction.

Sec. 6. (a) **Threshing and rigs to be cleaned before moving.**—It shall be the duty of every person owning or operating a threshing machine, immediately after completing the threshing of grain at each and every point of threshing, to clean or cause said machine to be cleaned, together with all wagons and other outfit used in connection therewith so that seeds of noxious weeds shall not be carried to or on the way to the next place of threshing by said threshing outfit.

(b) *A printed copy of this section, in form provided by the Commissioner shall be affixed to and remain affixed to every threshing machine during all the time the same is operated in the state of Minnesota.*

(c) *Any person failing to comply with either or both (a) and (b) of this section shall be liable to a fine of not less than ten dollars nor more than \$25.00 for each and every such failure.*

Sec. 7. **Chairman of town board and president and mayors of municipalities to be local weed inspectors.**—(a) The Board of County Commissioners whenever requested by the Commissioner may at their discretion appoint by resolution local weed inspectors whose duties shall be to see that the provisions of this act and the regulations of the Commissioner are carried out as prescribed in (a), (b), (c) and (d) of Section 8. Such appointment shall be for full time employment for a period of not less than five months from the fifteenth day of May to the fifteenth day of October next following both dates inclusive, except that at the discretion of the commissioner the period of employment may be ter-

minated on or after the thirtieth day of September, and the resolution appointing such inspectors shall fix the compensation to be paid to the persons appointed, such compensation not to be less than 25 cents nor more than 50 cents per hour and the necessary traveling expenses in addition thereto. *Said traveling expenses shall not exceed eight cents per mile for traveling when made solely for weed inspection activities.* The jurisdiction of such local weed inspectors shall be co-extensive with the county for which they were appointed.

If said board of county commissioners refuse or neglect to make appointments as requested by the commissioner on or before May fifteenth, 1923, and on or before March first each year thereafter, then in that event the chairman of the several town boards of the said county are authorized and it is hereby made their duty to act as local weed inspectors within their respective townships in accordance with the provisions of this act relative to local weed inspectors.

(b) *Any town chairman may appoint a person to act as his assistant weed inspector, and such assistant inspector shall have all the powers and authority as the town chairman in the capacity of weed inspector and all conditions which apply to the remuneration of the inspector shall apply to the remuneration of the assistant inspector. Such appointment may be for full time or any definite part of the time between the dates of May fifteenth and October fifteenth next following. Notice of such appointment together with a statement of the time for which appointment is made shall be delivered to the Commissioner within ten days after the date the appointment was made.*

(c) *Appointees of the Board of County Commissioner shall be paid from the general revenue fund of the county. If the several town chairmen become the local weed inspectors as above provided; then in that event the compensation shall be fixed by the respective township boards and paid from the general revenue fund of the township; said compensation shall not be less than 25 cents nor more than 50 cents per hour and the necessary traveling expenses in addition thereto. Said traveling expenses shall not exceed eight cents per mile for traveling when made solely for weed inspection activities. The compensation and the necessary expenses herein referred to shall not exceed \$75.00 for any given year and shall be independent of and in addition to any other compensation whatsoever received by said local weed inspector acting in any other official capacity.*

(d) *The mayor or president of cities or other municipalities whenever the Commissioner of Agriculture shall so direct shall appoint one or more weed inspectors whose duties and compensation shall be as described in Sections 7 and 8 of this act for local weed inspectors and their jurisdiction should be co-extensive with the municipality for which they are appointed. Said compensation shall be paid from the general revenue fund of the municipality. Notice*

of such appointment shall be sent to the Commissioner within ten days from the date of said notice to appoint.

(e) Failure on the part of any municipality or township to include the item of weed inspection in the annual budget is no excuse and shall not justify the non-payment of any charges or expenses incurred by inspectors as provided in this act, which charges or expenses shall be audited and paid as other obligations of such municipality or township are paid; provided, however, local weed inspectors appointed by the Board of County Commissioners shall not be entitled to their salary, compensation or expenses for the last 30 days preceding the termination of such employment nor shall the several town chairmen or other local weed inspectors otherwise selected than by the Board of County Commissioners be entitled to their salary, compensation or expenses for any year, period, until or unless there shall be furnished to such inspector a certificate from said Commissioner that said employment has been made and that all of the requirements of Section 10 of this act had been complied with, which certificate shall be attached to the itemized verified bill before the same is acted upon, allowed or ordered paid.

(f) If any municipality or township neglects or refuses for a period of 60 days to make such payments, the same shall be paid by the county auditor on the recommendation of the Commissioner and the total of all such amounts so paid shall be included by said county auditor as a part of the next annual tax levy in such municipality or township and withheld from such municipality or township in making the next apportionment thereto.

Sec. 8. (a) **Duties of local weed inspectors.**—It shall be the duty of each local weed inspector, between the dates of May fifteenth and October fifteenth both inclusive, to examine all lands, highways, roads, alleys and public grounds in the territory over which his jurisdiction extends for the purpose of ascertaining if the provisions of this act and the regulations of the commissioner are being complied with and if he finds that such is not the case he shall cause to be given forthwith a notice in writing on a form to be prescribed by the commissioner to the proper public officer or to the owner or occupant, or to the accredited resident agent of any non-resident lands within the township whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on the lands in the manner and within the time specified in the notice, such time, however, not to exceed ten days. He shall also attend when required, such conferences called by the Commissioner of Agriculture for the purpose of receiving instructions and for a full and free discussion of this act and its administration.

(b) If noxious weeds are found standing, being or growing on non-resident lands, the local weed inspector shall post a notice in form provided by the Commissioner of Agriculture in a conspicu-

ous place on said land, and cause such notice to be once published in a newspaper, published in a municipality nearest to the lands involved, to the effect that noxious weeds are found on said lands and must be cut down, otherwise destroyed or eradicated within seven days from the date of publication of notice in accordance with the law, and in addition to posting and publishing said notice the local weed inspector shall at the same time mail a copy thereof to the owner of such non-resident lands, if his post office address is known to or can be ascertained by said inspector from the last tax list in the county treasurer's office. If the weeds are not cut down, otherwise destroyed or eradicated within seven days from the date of publication, the local weed inspector shall cause the same to be cut down, otherwise destroyed or eradicated.

(c) *Proof of such posting and publication shall be made by affidavit forthwith filed in the office of the clerk of municipality wherein such non-resident lands are situated or in the office of the county auditor when such lands are located in unorganized territory.*

(d) *If noxious weeds are found standing, being or growing on tax-exempt lands, the official or person in charge thereof shall be served with written notice to cut down, otherwise destroy or eradicate them. If said officials or persons neglect or refuse to cut down, otherwise destroy or eradicate the said noxious weeds in the manner prescribed in the notice served, within the designated number of days after service thereof, they shall be deemed guilty of a misdemeanor, and the local weed inspector shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, and the expense thus incurred shall be a just charge against the lands involved and upon presentation of an itemized account of the same payment shall be made. In the event that same is not paid such expense shall be included in the costs, taxed and made a part of the fine against any person convicted for the violation of this section.*

(e) *Except as herein otherwise provided, in all municipalities and in all townships the duration of employment of the weed inspector shall extend between the dates of May fifteenth and October fifteenth of each year. If, however, any such inspector while not definitely thus employed, believes that actions should be taken under any section of this act, he shall forthwith notify the Commissioner and thereafter act as the Commissioner may direct in the case.*

(f) *For the purpose of performing his duties and exercising his powers herein contained, each and every local weed inspector constituted as herein provided may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages whatsoever.*

Sec. 9. Weed inspectors may cut weeds in growing crops.—Whenever any local weed inspector deems it necessary to prevent the spread of noxious weeds within his jurisdiction to cut down a growing crop or any part thereof, he shall, before proceeding to do

so, notify in writing on a form prescribed by the Commissioner, the mayor or the president of the village or borough council or a county commissioner or the county agent, as the case may be, to inspect said crop and if on said inspection it is the opinion of the officer making the same that the weeds together with the crop or portion thereof should be cut down, otherwise destroyed *or eradicated*, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority. If, however, the officer making such inspection is of the opinion that said weeds together with the crop or portion thereof should not be cut down, otherwise destroyed *or eradicated*, the matter in issue shall be reported to and determined by the commissioner or by his authority, whose decision thereon shall be final, except insofar as the same may be reviewed under the existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector to immediately cause the said weeds together with the crop or a portion thereof, to be cut down, otherwise destroyed *or eradicated* and no action *or* claim for damage shall be allowed or shall be sustainable against anyone in respect thereto; provided that notwithstanding anything contained herein, the local weed inspector shall have power to cut down, otherwise destroy *or eradicate* the said weeds together with the crop on areas not exceeding three acres in the aggregate in any one field or crop of forty acres or less, other than pasture or meadow, without any notification or application to the mayor, village or borough president, county commissioner or county agent. If after being notified by the local weed inspector to inspect a crop, the mayor, the county commissioner or the village or borough president or county agent so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, said local weed inspector may thereupon proceed to cut down, otherwise destroy *or eradicate* such weeds together with the crop to the same extent as though the officer notified had made an inspection and have reported in the affirmative.

Sec. 10. Report—Contents.—Each local weed inspector shall make an annual report in duplicate on a form to be approved by the commissioner, fully and clearly, showing each and every quarter section and government lot upon which noxious weeds are located, and the kind, disposition and extent of such weeds, also such other information that may be required by the commissioner. One copy of such report shall be filed with the *Commissioner* and the other copy with the *town clerk if the town chairman has acted as local weed inspector or with the county auditor if the county board appointed the local weed inspector* not later than the first day of November in each year. Also each local weed inspector shall make a monthly report and file the same with the commissioner the first day of each month, and in addition thereto he shall make a weekly report during the month of July and August, fully and clearly show-

ing the number of farms inspected, the miles travelled, the kind, extent and disposition of noxious weeds found and such other information as may be required by the commissioner.

Sec. 11. Notice—Expense—Penalty.—All notices provided for by this act shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided. Whenever any person in compliance with a notice served upon him fails to cut down, otherwise destroy *or eradicate* any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, the local weed inspector having jurisdiction, or if there is no local weed inspector, the Commissioner of Agriculture shall cause the same to be cut down, otherwise destroyed *or eradicated* at the expense of the *county, the city or the village* in which the land affected is situate and claim for such expense of advertising and posting and serving of notices together with the cost of cutting down, otherwise destroying *or eradicating* the noxious weeds, are hereby made legal charges against the *county, the city or the village* in which said lands are located. After such cutting down, otherwise destroying *or eradicating* of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the cost of all services rendered in connection with serving and publishing of notice and cutting down, otherwise destroying *or eradicating* the noxious 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 the immediate issuance by such *county auditor or clerk* of proper warrants to the persons named therein for the amount specified. The amount of such expenses, 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 that 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 itemized statement of the weed inspector 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. 12. Violation—Penalties.—Any person who violates any of the provisions of this act or who violates any duly adopted regulation of the commissioner, or who neglects, fails or refuses to com-

ply with any notice duly issued hereunder by the commissioner or local weed inspector and duly served upon him or who fails, refuses or neglects to perform any duty imposed upon him by this act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly.

Sec. 13. Laws repealed.—Chapter 320, General Statutes of Minnesota 1921, is hereby repealed.

Approved April 24, 1925.

CHAPTER 378—II. F. No. 1204.

An act relating to the determination of place of settlement of poor persons.

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

Section 1. Residences of poor persons fixed.—Whenever a dispute shall arise between political subdivisions within a county as to the place of settlement of any poor person, either of such subdivisions may serve upon the other or others, in the manner provided by law for the service of a summons, a notice that it will on a day certain, not less than five days after the service of such notice, apply to a justice of the peace of a village or township in said county other than those involved in such dispute for a determination of the settlement of such poor person. Such justice shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding, and shall forthwith make and file his order determining the place of settlement of such poor person.

Sec. 2. Hearing of disputes before Judge of the District Court.—Whenever a dispute shall arise between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties as to the place of settlement of any poor person, any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding, and shall forthwith make and file his order determining the place of settlement of such poor person.

Sec. 3. Appeals.—Any party aggrieved by the order of the justice of the peace may appeal from said order to the district court within the time and in the manner provided for appeals in civil actions. Pending such appeal the subdivision found by said order to be the place of settlement of said poor person shall care for said poor person; and if upon trial of the appeal it shall be determined