

REVISED LAWS

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1905

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CHAPTER 37

NOXIOUS WEEDS

2375. Weeds declared noxious—Each of the plants mentioned in this section is hereby declared to be a noxious weed and a common nuisance. No person owning, occupying, or controlling land shall permit:

1. Any wild mustard, wild oats, cocklebur, burdock, or tumble mustard to go to seed thereon.

2. Any Canada thistle, oxeye daisy, or quack grass to go to seed thereon, or, for more than two successive years, to reproduce itself thereon by crowns, underground stems, or buds.

3. Any French weed to produce seeds thereon for more than four successive years.

4. Any Russian thistle to grow or remain thereon at all. ('95 c. 273 ss. 1, 2) 1895 c. 273 held constitutional (92-374, 100+95).

2376. In highways—For all purposes of this chapter, the half of any road or street lying next to the lands abutting thereon shall be considered a part of such land. No person owning, occupying, or controlling land shall permit any noxious weed, or any white daisy, snapdragon, or toad flax, sow thistle, sour dock, yellow dock, or other weeds or grasses, to produce seed upon such adjoining half of the highway. ('95 c. 272 s. 1; '03 c. 340 s. 1)

2377. How and by whom enforced—Complaint—Notice—The chairman of each town board and the mayor or president of the council of each municipal corporation are hereby empowered and required to give the notices provided for in this chapter, and cause the provisions hereof to be enforced. Upon written complaint made to any such official that noxious or other weeds or grasses are growing or standing upon lands within his jurisdiction in violation of law, he shall forthwith inspect the premises; and, if the complaint be well founded, he shall cause written notice to be served upon the person permitting the same, directing him to comply with the provisions of this chapter in respect thereto within six days after such service. ('95 cc. 272, 273)

2378. Service, how made—Non-residents—All notices herein provided for may be served by any citizen of the town or municipality in which the land is situated. Such service shall be upon the occupant, if any there be, otherwise upon the owner or person in charge of the land, and shall be personal and by copy whenever practicable. If there be no person within the county upon whom service can properly be made, of which the certificate of the officer serving such notice shall be prima facie evidence, the subsequent procedure shall be the same as though service had been made, and the notice ignored. ('95 cc. 272, 273)

2379. Failure of owner—Authorities to destroy—Expenses—If the notice be not obeyed within six days, the overseer of roads, or the official in charge of the streets in municipalities, as the case may be, shall forthwith destroy such weeds or grasses, and make report thereof to the town or municipal clerk, with an itemized account of his services and expenses in so doing. He shall be allowed two dollars per day for the time of his necessary employment, and for men and teams employed he may allow the rates paid for labor upon roads or streets. Such expenses shall be paid by the town or municipality out of the road or street funds, and, unless the sum be repaid by the owner or occupant before October 1 next ensuing, the clerk shall certify the amount thereof, with a description of the premises to be charged, to the county auditor, who shall extend the same upon the tax list, as an additional tax upon said land. But if the land for any reason be exempt from general taxation, the amount of such charge may be recovered of the owner in a civil action, with costs. ('95 cc. 272, 273; '03 c. 340 s. 2)

2380. Damage to growing crops—Agreement, etc.—When noxious weeds are so intermixed with a growing crop that they cannot be eradicated without

serious damage to such crop, a written agreement may be made by the owner or occupant with the officer, providing for the destruction of the weeds upon specified parts of the land, and for the proper treatment of the remainder after the crop has matured. And so long as such agreement is performed by such owner or occupant in good faith, he shall be exempt from the penalties of this chapter. All officials charged with the enforcement of this chapter may go upon lands infested with noxious weeds, or suspected thereof, for any purpose necessary to such enforcement; but any unnecessary damage done thereon shall be paid by the municipality or town. ('95 c. 273; '97 c. 111)

2381. Penalties—County attorney to prosecute—Disposal of fines—Every person who shall violate any provision of this chapter, or refuse to comply with any notice given pursuant thereto, and any officer neglecting to perform any official duty imposed upon him thereby, shall be guilty of a misdemeanor. Upon the request of any taxpayer, the county attorney shall prosecute any such offender. All fines collected under its provisions shall be paid into the treasury of the town or municipality in which the offence was committed. ('95 c. 273 s. 6; '97 c. 111)

CHAPTER 38

INSECTS AND PLANT DISEASES

2382. State entomologist—Powers and duties—The entomologist of the agricultural experiment station of the state university shall be the state entomologist. He shall appoint necessary assistants, who may perform any of the duties of his office, fix their compensation, and may procure the proper instrumentalities for his work. He shall combat chinch bugs, grasshoppers, and other insect pests, and all dangerous contagious plant diseases. He shall prepare the means of destroying insects which are injurious to crops, and, when he deems it proper, may supply the same gratuitously to the farmers. He shall report to the governor on or before December 1 each year concerning his official acts. ('03 c. 237 s. 1; '95 c. 161 ss. 1, 3)

2383. Inspection—Certificate—Treatment or destruction—When requested by the owner, or when he believes it to be necessary, the entomologist shall examine any place within the state where trees or plants are grown for sale. To that end, he shall have authority to enter therein, and may establish quarantine regulations. If it be found free from such insect pests and plant diseases, he shall issue a certificate to that effect when requested, and collect as a fee therefor five dollars for each day spent in such examination, and the expenses thereof. Such certificate shall be good for one year unless revoked by him. If, in his judgment, any such pest or disease can be eradicated, he may direct, in writing, what means shall be employed; and in case any trees, shrubs, or plants are so infested that treatment would be ineffectual, he may order them destroyed. If the order be not obeyed within ten days after service thereof, the entomologist shall cause the work to be done, and render to the owner or person in charge an itemized bill of the cost; and, if such cost be not paid to him within sixty days thereafter, the bill shall be reported to the county attorney, who shall forthwith collect the same in a civil action in the name of the state. ('03 c. 237 ss. 1, 2)

2384. Imported nursery stock—Inspection—No person shall bring into the state any trees, plants, vines, cuttings, or buds, known as "nursery stock," unless it be accompanied by a certificate from the entomologist, or other proper official, of the state from which it came, that it has been inspected and found free from any of the pests or diseases mentioned in this chapter. Such certificate shall be prima facie evidence of the facts therein stated, but the entomologist may nevertheless inspect such stock, and proceed with respect thereto as provided for in § 2383. In such case the owner shall treat or destroy the stock within two days after being ordered so to do, and, if the work be done by the