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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

FRANCIS B. TIFFANY



WEST PUBLISHING CO.

1918

CHAPTER 37

NOXIOUS WEEDS

5167. 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, annual and perennial sow 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. (Amended '17 c. 394 § 1)

[5167—]1. **County weed inspector—Term, bond, salary, duties and assistants—Duty of county auditor—Complaint—Duties of dean of agriculture college and superintendent of state farm school or experimental stations, etc.**—Upon the petition of ten per cent of the voters of any county, the county board may appoint a suitable person to act as county weed inspector for a term of not less than four months in each calendar year; such person so appointed shall give bond to the county in a sum not to exceed one thousand dollars and shall receive as his compensation a salary of one hundred dollars per month and be paid his necessary traveling expenses. It shall be the duty of said county weed inspector to inspect the real estate in said county for the purpose of ascertaining the facts as to the presence of Canada thistle and annual and perennial sow thistle thereon and report the result of his inspection in that regard to the county board weekly, by filing a written report in duplicate with the county auditor of said county. The county auditor shall, within five days, notify the chairman of the town board of each town, the mayor of any city, or the president of any village council in said county as to the portion of said report that may affect lands in their respective towns, cities and villages. The county auditor shall also forward the duplicate copy of said report to the dean of the agriculture college of the university of Minnesota within five days after the filing of the same with him. Said county weed inspector shall when he deems the necessity exists, make written complaint as provided for in section 5169, General Statutes of Minnesota, 1913. The receipt by a chairman of a town board, mayor of a city or president of a village council of notice from the county auditor as hereinbefore provided, shall operate the same as a written complaint under said section 5169, and require the performance by said chairman, mayor or president of the duties and acts by them to be performed under the provisions of chapter 37, General Statutes of Minnesota, 1913, insofar as Canada thistle and annual and perennial sow thistle are concerned.

The county board may hire and employ and pay such assistant county weed inspectors as it may deem necessary to assist and work under the direction of the county weed inspector. It shall be the duty of the dean of the agriculture college of the university of Minnesota, the superintendent of any state farm school or experimental station, county weed inspector or assistant county weed inspector to furnish and disseminate, as may be deemed necessary, proper information and instruction relative to the most feasible manner in which Canada thistle and annual and perennial sow thistle may be exterminated. In case the county weed inspector is only employed for a portion of a year, the time of his employment shall be during the time between May 1 and November 1 of any such year.

This act shall not in any way abridge the provisions found in sections 5167-5173, both inclusive, General Statutes of Minnesota, 1913, but shall be considered; insofar as that intent is manifest, additional powers, duties and obligations upon the officers and persons referred to. ('17 c. 394 § 2)

5168. Noxious weeds in highways—Duty of abutters—For all purposes of this chapter, the half of any road, street or alley, lying next to the lands abutting thereon, shall be considered a part of such land. No person or corporation owning, occupying or controlling land shall permit any noxious weed, or any white daisy, snap-dragon, or toad-flax, sow-thistle, sour dock, yellow dock or other weeds or grasses to produce seed upon such adjoining half of the highway, street or alley. It shall be the duty of every person or corporation owning, occupying or controlling land abutting on any public highway, street or alley, to cut or destroy, or cause to be cut or destroyed, all noxious weeds and grasses herein specifically named, and other weeds and grasses upon such adjoining half of the public highway, street or alley at least twice each year, to-wit; once between July 1st and July 15th, and once between October 1st and October 15th of each year. (Amended '17 c. 229 § 1)

5169. How and by whom enforced—Notice—It shall be the duty of the road overseers of each organized township, and the mayor of [or] president of the council of each municipality, to give the notices provided for in this chapter, and cause the provisions hereof to be enforced. He shall inspect or cause to be inspected every public highway, street and alley within his district, or municipality, as the case may be, as soon as may be, and not later than ten days after the time herein fixed for cutting or destroying of the weeds and grasses herein mentioned, and shall cause written notice to be served upon all persons or corporations not complying with the provisions of this chapter to comply with the provisions thereof and to cut the grasses and weeds herein specified, within six days after such notice is served. (Amended '17 c. 229 § 2)

5170. Notice, upon and how served, etc.—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 wherever 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, then notice shall be sent by mail, postage prepaid, to the person who last paid tax upon the land, the name and address of such taxpayer to be furnished by the county treasurer of the county in which such land is located. (Amended '17 c. 229 § 3)

CHAPTER 38

INSECTS AND PLANT DISEASES

[5175—]1. **Trees, plants or shrubs from which diseases or insects may spread—Powers and duties of state inspector of nurseries, etc.—Appraisal—Duty of carriers—Penalty—**When any tree, shrub or plant, not itself diseased or infested, which is a host for any organism inducing a plant disease, new to or not heretofore widely prevalent or distributed within or throughout this state, or host for any destructive insect, new or not heretofore widely prevalent or widely distributed throughout this state is situate within three thousand feet of any tree, plant or shrub which is infested with any such organism or insect, the state inspector of nurseries may for the purpose of preventing the spreading of such organism or insect, cause such tree, plant or shrub not itself so diseased or infested, to be destroyed as hereinafter provided.

(a) No tree, plant or shrub not itself diseased, shall be ordered destroyed without the approval in writing of the order therefor signed by a majority of