1940 Supplement

To

Mason’s Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason’s 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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Brokers must obtain licenses.—Any Broker or/and Agent, before offering for sale or selling such Warehouse Receipts, shall obtain a Broker’s and/or Agent’s License, from which is transferred the power of the Commissioner of Commerce. (Apr. 6, 1937, c. 145, §2.)

Violation of a gross misdemeanor.—Any person violating the provisions hereof, shall be guilty of a gross misdemeanor. (Apr. 6, 1936, c. 145, §3.)

Bank applications must be approved by state securities commission.

Owner may file proposal for exchange.—Any owner desiring to effect an exchange of lands hereunder shall file with the Commissioner of Conservation on a form furnished by said commissioner a proposal of exchange giving the legal description of his land and the state land for which he desires to exchange. In a criminal prosecution before a justice of the peace or in a municipal court in a misdemeanor case, a forest ranger or patrolman may assist in presenting the evidence in behalf of the state by examination of the witnesses. Op. Atty. Gen., May 27, 1931.

It is not necessary for state employees to be accompanied by a companion while in forest. Op. Atty. Gen., July 5, 1935.

Commission may make terms of exchange.—Any exchange of land made under this act, may be made upon any condition as to payment of further compensation to the state which said commission may deem proper, and if payment of further compensation is required, such payment shall be made in such manner and upon such terms as the said commission shall determine, subject to the following limitations: If payment is not made at the time of the exchange, the unpaid balance shall be secured by contract for deed on the land of which the state is disposing, payable in ten equal annual installments with interest at 5 per cent per annum, payable annually at the first installment and the final installment, to be due on December 1, following the date of the exchange. (Act Apr. 21, 1939, c. 382, §3.)

Commission may file proposal for exchange.—Any owner desiring to effect an exchange of lands hereunder shall file with the Commissioner of Conservation on a form furnished by said commissioner a proposal of exchange giving the legal description of his land and the state land for which he desires to exchange. Such proposal shall be reviewed by the Commissioner of Conservation and if he finds the proposed exchange would effect a desirable consolidation of state land holdings he shall require the applicant for exchange to furnish an abstract evidencing marketable title, which said commissioner may, by unanimous approval, exchange the state land held in trust for any purpose, for lands of equal value and kind owned by the United States or lands owned by private citizens or corporations. Provided, however, that any of the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The Commission is hereby authorized to convey in behalf of the state, title by deed to such lands so exchanged, provided, however, that in the deed of conveyance there shall be reserved to the state all minerals and all water power rights in the said state lands. Provided further that the exchange program under this act will be conducted in a manner that will not materially decrease but which will increase the state’s total holdings of timber, and of water frontage desirable for public use and enjoyment. (Act Apr. 21, 1939, c. 382, §2.)

The repealed sections consisted of Act April 22, 1933, c. 472, 223 NW 912.

The subject of chapter 407, Laws 1925, known as the Forestry Act is sufficiently expressed in its title. 176 M 472, 223 NW 912.

The Forestry Act is sufficiently expressed in its title. 176 M 472, 223 NW 912.

Chapter 22
Forestry and Forest and Prairie Fires

Laws 1931, c. 186, ante, §§33-23a to 33-231, creates a new department of conservation, which is transferred the power of the commissioner of forestry and fire prevention.

FORESTRY ACT


Conservation for study of forestry. Laws 1935, c. 418.

It was competent for the Legislature to classify counties and to impose more drastic regulations for prevention of fires in certain counties than in others. 175 M 472, 223 NW 912.

The subject of chapter 407, Laws 1925, known as the Forestry Act is sufficiently expressed in its title. 175 M 472, 223 NW 912.

4031-4. Same—Officers—State forester—Etc.

4031-10½ to 4031-10½. [Repealed.]

Repealed Apr. 21, 1935, c. 382, §6, post 4031-10½ u.

The repealed sections consisted of Act April 22, 1933, c. 118, §§1-13.

ANNOATIONS UNDER REPEALED SECTIONS

4031-10½ m. Exchange of lands authorized.


Commission is not authorized to exchange lands acquired by state under rural credit act for lands within conservation or forest areas. 10.

4031-10½ n. Land exchange commission created.—There is hereby created a Land Exchange Commission, in this act called the Commission, which shall consist of the Governor, the Attorney General and the State Auditor. (Act Apr. 22, 1939, c. 382, §1.)

4031-10½ n. Same—May exchange land to consolidate holdings.—For the purpose of consolidating the holdings of land owned by the state the Commission may, by unanimous approval, exchange any lands to which the state now holds title or to which title may be acquired by the state, including lands held in trust for any purpose, for lands of equal value and kind owned by the United States or lands owned by private citizens or corporations. Provided, however, that any of the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The Commission is hereby authorized to convey in behalf of the state, title by deed to such lands so exchanged, provided, however, that in the deed of conveyance there shall be reserved to the state all minerals and all water power rights in the said state lands. Provided further that the exchange program under this act will be conducted in a manner that will not materially decrease but which will increase the state’s total holdings of timber, and of water frontage desirable for public use and enjoyment. (Act Apr. 21, 1939, c. 382, §2.)

SALE OF OIL AND GAS LANDS OR INTERESTS THEREIN

4000-1. Registration of lands or interests before sale by department of commerce.

A syndicate for acquisition of oil lands or interest therein may be organized without necessity of registration, but repeated or successive sales of interests must be registered. Op. Atty. Gen. (616d-8), Aug. 25, 1938.
state lands to be exchanged and of the lands to be received and shall make a complete report thereon. Such report shall be in a form approved by the Commission and shall contain the legal description of the land, the location of the lands with reference to other state lands, a statement of the use for which his land is best suited, the value of the land, exclusive of timber and improvements, the amount and value of timber including both immature and mature timber, value of improvements on the land, total value of land, timber and improvements, reasons for making exchange and any other pertinent information.

Provided, however, that no land shall be exchanged hereunder unless the Attorney General shall have given his opinion in writing that the person offering to trade such land has good and marketable title to the land he agrees to trade, true and clear of any encumbrances or lien.

Provided, however, that the provisions of this act shall in no way affect, modify or invalidate Mason's Minnesota Statutes of 1927, Section 6453, and Laws 1933, Chapter 418.

The Commissioner of Conservation shall submit such report and the Attorney General's opinion to the Commission. (Act Apr. 21, 1939, c. 382, §5.)

4031-10%k. Meetings of commission to be open to public.—The meetings of the commission at which it considers the exchange of lands under this act shall be open to the public and any person shall be permitted to make objections to any such exchange. The commissioner shall set the date for any such meeting at least 15 days in advance. Lists of all lands considered for exchange shall be posted in the office of the county auditor of the county in which the lands are located for at least 10 days in advance of such meeting and a notice of such meeting shall be published in the legal newspaper for said county at least one week in advance thereof, in which notice it shall be necessary to give the legal description of the lands proposed to be exchanged. (Act Apr. 21, 1939, c. 382, §6.)

4031-10%l. Powers of commission.—The Commission shall approve or reject the exchange or authorize the making of a counter proposal. If approved the Commission shall prepare a deed conveying title to the state land and receive a deed to the land which is to be received in exchange. Such deeds shall be approved as to form and execution by the Attorney General. (Act Apr. 21, 1939, c. 382, §7.)

4031-10%m. Appropriation.—There is hereby appropriated for the purpose of carrying out the provisions of this act, the sum of $15,000.00. (Act Apr. 21, 1939, c. 382, §8.)

4031-10%n. Laws repealed.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 4031-10%a, 4031-10%b, 4031-10%c, 4031-10%d, 4031-10%e, 4031-10%f, 4031-10%g, 4031-10%h, 4031-10%i, 4031-10%j, 4031-10%k, 4031-10%l, 4031-10%m and 4031-10%n are hereby repealed. (Act Apr. 21, 1939, c. 382, §9.)

4031-10%o. State forests created.—For the purpose of vesting the state with title to lands in the area hereafter described which are suitable primarily for state use and development for the purpose of preserving, propagating and breeding wild life of all suitable kinds, including all species of game, fish and fur bearing animals and birds, and for the protection of watersheds, recreation valuable for domestic and commercial uses, and for the establishment and development of recreational areas, there are hereby created and established certain state forests, to be managed in the same manner as other state forests, comprising all lands and waters within the following described areas now owned by the state, or hereafter acquired by the state, in the counties and townships described as follows:

Beltrami Island State Forest. Lake of the Woods County. The west 1/4 of Townships 158 and 159, and all of Township 157, Range 32; Townships 157, 158, and 159, Range 31; Townships 157, 158, 159 and 160, Range 34; Townships 157, 158, 159 and 160, Range 35; Townships 159 and 160, Range 36; all west of the 5th principal meridian. Roseau County. The south 1/4 of Township 161, Range 35; the south 1/4 of Township 160, Range 34; Township 160 and 161, Range 37; the south 2/3 of Township 161, Range 37; the east 2/3 of Township 160, Range 38; all west of the 5th principal meridian.

Cloquet Valley State Forest—St. Louis County. The north 1/4 of township 53, range 12; township 54, range 12, and township 55, range 12 except sections 1, 2, 3, 11 and 12 and the portions of sections 4, 9, 10, 13, 14 and 15 lying north and east of the present main line right-of-way of the Duluth and Iron Range Railroad; the north half of township 58, range 13; townships 59 and 55, range 17; township 58, range 14; townships 54 and 55, range 14; the north half of township 63, range 15; townships 54 and 55, range 15; all west of the 4th principal meridian.

Finland State Forest—Lake County. Section 6, township 67, range 6; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36 and the east 3/4 of section 15, township 58, range 8; all west of the 4th principal meridian.

Fon du Lac State Forest—Cariton County. Township 15 north, range 19; the west 1/4 of township 49 north, range 18; all of township 49 north, range 20 except the south 1/2 of sections 26, 27, 28, 29 and 30, and all of sections 31, 32, 33, 34, 35 and 36 inclusive; all of township 48 north, range 19, except sections 25 and 26 inclusive; all west of the 4th principal meridian. St. Louis County. The south 1/4 of township 59 north, range 19 and the south 1/4 of township 50 north, range 20, all west of the 4th principal meridian.

Grost Hills State Forest—Cass County. Townships 137, 138, 139, 140 and 141; township 137; township 32; all west of the 6th principal meridian.

George Washington Memorial State Forest—St. Louis County. The north 2/3 of township 69, range 21; township 66, range 21; the south 1/3 of township 61, range 21; all west of the 4th principal meridian. Itasca County. Townships 59 and 60, range 22; the south 1/4 of township 61, range 22; townships 59, 60, 61 and 62, range 23; townships 59, 60, 61 and 62, range 24; townships 69 and 90, range 25; and townships 69, range 25; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36 and the east 3/4 of section 15, township 58, range 8; all west of the 4th principal meridian.

Grand Portage State Forest—Cook County. Townships 61, 62, 63, 64 and 65, range 3 except the portions of sections 7, 8, 17, 18, 19, and 20 in township 64, range 3 now within the boundary of the Superior National Forest; townships 62, 63, 64, 65, 68, 69, 70, and 71, range 18; townships 63, 64, 65, 66, 67, 68, 69, 70 and 71, range 19; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 20; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 21; all west of the 4th principal meridian.

Kabetogama State Forest—St. Louis County. Townships 63, 64, 65, 66, 67, 68, 69 and 70, range 17; townships 63, 64, 65, 66, 67, 68, 69 and 70, range 18; townships 63, 64, 65, 66, 67, 68, 69, 70 and 70, range 19; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 20; townships 64, 65, 66, 67, 68, 69, 70 and 71, range 21; all west of the 4th principal meridian.

Lake of the Woods State Forest. West of the 4th principal meridian.
Land O'Lakes State Forest—Cass County. Townships 139 and 140, range 26; townships 139 and 140, range 27; township 139, range 28; township 139, range 29 east of the fifth principal meridian.

Pine Island State Forest—Koochelung County. All that portion of township 153, ranges 26 and 27; township 154, ranges 25 and 26; township 155, range 25 lying west of the present location of trunk highway number 4; that part of townships 146 and 157, range 45, lying west of the Big Fork River; that part of sections 31, 32 and 33, township 158, range 25, lying on the south side of the Black River; townships 155, 156, 157 and that part of township 158, range 26, lying south of the Black River; townships 153, 154, 155 and 156, range 28; townships 153, 154, and 155, range 27; all west of the 5th principal meridian.

Savanna State Forest—Al'tkin County. That portion of township 48, range 29, north of the present location of the Northern Pacific Railroad right-of-way; townships 49, 50, 51 and 52, range 22; that portion of township 48, range 23, north of the present location of the Northern Pacific Railroad right-of-way; townships 49 and 50, range 22; that portion of township 48, range 23, north of the 5th principal meridian of the Mississippi River; that portion of townships 50 and 51, range 24, lying east of the Mississippi River; all west of the 4th principal meridian.

Third River State Forest—Itasca County. The north half of township 147, range 29; township 148, north of township 148, range 29; the south half of township 149, range 23; all west of the 5th principal meridian.

Becker County. Township 142, ranges 27, 28, 29, and 30 of Township of Third River; township 148, range 29; the south half of township 149, range 23; all west of the 5th principal meridian.

Mahonen County. Sections 25, 26, 27, and 28 east of the third half of township 143, range 25; section 33; township 144, range 25; section 33; township 144, range 25; section 1, East half of section 12, township 144, range 25. (Act Apr. 21, 1933, c. 419, §1; Jan. 18, 1936. Ex. Sess., c. 54, §1; Jan. 24, 1936, Ex. Sess., c. 75, §1; Mar. 8, 1937, c. 61, §§1, 2.)

All income received from the 13 state forests created by this act is to be paid into state treasury and is appropriated annually for the purposes of this act, while income from other state forests is appropriated and to be used as provided in §4031-10. Op. Atty. Gen. (27g), Dec. 10, 1936.

County auditor may sell or assign trust fund lands in state forest which have reverted to state, pursuant to Laws 1935, c. 377, but purchaser or assignee acquires only the interest held by contract holder. Op. Atty. Gen. (700d-28), Jan. 29, 1937.


Receipts from leases or timber sales on tax forfeited land, after due notice to claimants and after due notice to the attorney general for distribution of receipts from other lands in state forest areas. Op. Atty. Gen. (700a-9), May 26, 1936.

Structures on tax forfeited lands within state forests may be sold, leased, or assigned by the commissioner of conservation with approval of executive council, and income from such sale, lease, or assignment is appropriated to the state forest fund and the same is hereby annually appropriated for the purposes of this Act. There is hereby annually appropriated from that one half of the proceeds from the sale of such lands as is necessary for the acquisition of public hunting grounds, game farms and game refuges such an additional appropriation for the condemnation and/or purchase of said lands. (Act Apr. 21, 1933, c. 419, § 3.)
of the right of eminent domain, which right is hereby given it, to be exercised in the manner provided in Chapter 41, General Statutes 1923, as amended, or by purchase, any lands or interests in lands in the state forests herein created, which the Conservation Commission shall deem necessary for state ownership, use and enjoyment; and for the protection, utilization, and management of the state forests, to be managed in the same manner as other state forests, and subject to all of the provisions of Laws 1933, Chapter 419 [§§4031-10% to 4031-10%g], comprising all lands and waters within the following described areas now owned by the state, or hereafter acquired by the state, in the townships described as follows:

Bay Lake State Forest: Townships 45 and 46, Range 28; fractional Township 47, Range 28; fractional Township 48, Range 23; fractional Township 49, Range 23; Townships 50 and all of Township 51, Range 23, all west of the 5th Principal Meridian.

Buena Vista State Forest: Township 147, Range 32; Township 148, Range 32; Sections 1 and 2 and the west ½ of Section 11, Township 146, Range 33; Sections 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30; all of Township 148, Range 32; all west of the 5th Principal Meridian.

Crow Wing State Forest: Fractional Townships 134, 135 and 136, and full Townships 137, all in Sections 27, 28, 29 and 30; Range 24, Township 147, Range 32; Township 148, Range 32, the east ½ of Townships 134, 135 and 136, Range 23, West of the 5th Principal Meridian.

Mille Lacs State Forest: That portion of Township 42, Range 26, lying west of Highway No. 185; the east ½ of Township 45; Township 46, Range 27; Township 47, Range 27; Townships 42, 43, and 44, Range 27, all west of the 4th Principal Meridian.

Mississippi Headwaters State Forest: The north half of Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 28 of Township 146, Range 34; Township 147, Range 34 except Sections 1, 2, 3, 4, 5 and 6; the west ¼ of Sections 2, 3, 10 and 11, Township 148, Range 35; all of Township 146, Range 35, except Sections 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26; Township 148, Range 35; all west of the 5th Principal Meridian.

Nemadji State Forest: Townships 44, 45 and 46, Range 16; the south ½ of Township 47, Range 15; Townships 44, 45 and 46, Range 16; the south ½ of Township 47, Range 16; Township 148, Range 15; Townships 44, 45 and 46, Range 17; Sections 14, 13, 12, 24, 25 and 28; Townships 44, 45 and 46, Range 18; all west of the 4th Principal Meridian.

Northwest Angle State Forest: Townships 166, 167, 168, Range 32; Townships 165, 164 and 165, Range 34; Townships 165, 166, 167 and 168, Range 35, all west of the Fifth Principal Meridian. Provided, however, that no game refuge shall be established in such Northwest Angle State Forest other than by petition of three-fifths of the persons owning land and residing therein addressed to the commissioner of conservation and the procedure to establish such refuge shall be in accordance with Mason's Minnesota Statutes of 1935, Section 1327. Furthermore, that the division of forestry of the department of conservation shall be authorized to charge a fee not to exceed the sum of ten dollars of each hunter seeking admission into such state forest for the purpose of hunting big game or other species of game.

Paul Bunyan State Forest: West ½ of Section 2, all of Sections 3, 4, 5, 6, 7 and 8, Township 141, Range 32; Township 142, Range 32; Sections 7, 18 and 19, Township 143, Range 32; Sections 1, 2, 3, 4, 9, 10, 11 and 12, Township 144, Range 22; Township 142, Range 33 except Sections 19, 20, 29, 30, 31, 32, 33 and 34; Township 143, Range 32; Sections 29, 30, 31, 32, 33 and 34; Township 144, Range 33; Townships 143 and 144, Range 34; all west of the 5th Principal Meridian.
Pillsbury State Forest: That portion of Township 133, Range 29, lying north of the Northern Pacific Railroad in Cass County; the section of Township 133, Range 29, lying north of the Northern Pacific Railroad; the west ¼ of Township 134, Range 29; all of Township 134, Range 30; all west of the 5th Principal Meridian.

Run River State Forest: The west 2/3 of Township 40, Range 25; Townships 41 and 42, Range 25; the east 1/3 of Township 40, Range 26, all west of the 4th Principal Meridian.

Smoky Hills State Forest: Sections 6, 7, 8 and 9, Township 140, Range 36; Township 141, Range 36; the north ½ of Township 141, Range 37; Township 140, Range 38; the west 2/3 of Township 141, Range 38; all west of the 5th Principal Meridian.

Washtish State Forest: Townships 153 and 154, Range 29; the east 5/6 of Township 153, Range 30; the west ½ of Township 154, Range 30, and Lots 2, 3, and 4 of Section 8; the 3½ miles of the 4th Principal Meridian.

Blackduck State Forest: Sections 2, 3, 10, 11, 14, 15, 18, 19, and 20 in Township 150, Range 32; Sections 27 to 34, inclusive, Township 151, Range 31; Township 149, Range 32; all of Township 150, Range 32; and all of Township 151, Range 32, lying south and east of the reservation line.

Additional State Forests:

Foothills State Forest: The south 2/3 and Sections 1, 2, 3, 10, 11, 14, 15, 18, 19, and 20 in Township 139, Range 22; Township 138, Range 33; that portion of Township 139, Range 33, lying south of the highway and east of the Crow River; and Township 139, Range 34; all west of the 5th Principal Meridian.

Land O'Lakes State Forest: Townships 125 and 146, Range 25; all west of the 5th Principal Meridian.

White Earth State Forest: That all portion of Sections 4, 5, 6, Township 144, Range 38 not previously included in the Forest; all that portion of Township 145, Range 38, lying south of the Wild Rice River; the east 1/2 of Township 145, Range 39; all west of the 5th Principal Meridian. (Act Apr. 29, 1935, c. 372, § 1.)

The last three paragraphs of the section, under the heading "Additional State Forests," seem to be impelledly repeated by the later act of Jan. 24, 1936, Ex. Sec. 6, which repeals the former State Forest Laws, §4031-10. The purpose hereby is to restate the boundaries of the three state forests to which the additions are made by this section.

Tax delinquent lands located within boundaries of state forests created by Laws 1932, c. 419, and Laws 1935, c. 332, and also lands in forest area created by Laws 1917, c. 445, suitable for forest purposes, are not subject to sale after title has reverted to state in fee under Laws 1935, c. 386, § 6. Op. Atty. Gen. (700a-9), Aug. 17, 1937.

§4031-10 3/4. Lands not to be acquired unless indebtedness is paid.—Provided, however, that no land shall be acquired under the provisions of this act or any existing law unless the pro rata share of all outstanding indebtedness for which such lands are chargeable in whole or in part shall be paid to the county treasurer of the county wherein such lands are situated; and provided further that the state shall not purchase any lands within any school district or township in any state forest, except for administrative purposes, where the pro rata share of the outstanding public indebtedness chargeable against such lands exceeds 60 cents per acre. (Act Apr. 29, 1935, c. 372, § 2.)


Statutory provisions which permit forestry department to recover for extinguishing a fire does not permit the enforcement of such a claim against the state or a political subdivision of the state. The county is allowed to recover for extinguishing a fire which was destroying a road. Op. Atty. Gen. June 16, 1936.


It is discretionary with town board whether fire work be paid by the month or all the basis of the reasonable value of their services for the time actually spent in fighting fires. Op. Atty. Gen. Mar. 23, 1933.


In cases where township has no fire fund money may be taken from general fund or road and bridge fund for fighting forest fire. Op. Atty. Gen. Oct. 13, 1934.

A village has no power to levy a special tax for fire equipment except as authorized by this section. Op. Atty. Gen. (442a-17), Aug. 1934.


Town may appropriate money for co-operative telephone company if necessary for fire prevention. Op. Atty. Gen. (426a-7), June 1, 1936.


It is permissible for town board to contract with a rural telephone company for use of its lines for fire protection purposes, compensation therefor to be paid out of fire fund, and if there is no fire fund one may be created by transferring surplus from some other fund. Op. Atty. Gen. (96a-14), Aug. 16, 1937.


§4031-11 3/4. Conservation commission may clean up road sides.—That all highways, roads and trails within forest areas are declared to be established fire breaks, and for that purpose the State of Minnesota, through the Division of Forestry, Department of Conservation, is authorized to clean up all dead and down timber, all underbrush, logging logs, and stumps, and all other inflammable refuse and debris along each side of such highways, roads and trails, for a distance of two hundred feet on each side from the center thereof, all of such material as is burned or disposed of under the supervision of a forestry officer in such manner as not to injure the growing timber.

That all dead and usable timber taken out of such road sides shall be piled for the immediate removal thereof by the owners of the land from which the same was removed. (Act Apr. 17, 1933, c. 320, § 1; Mar. 25, 1937, c. 112, § 1.)

Preamble.—Whereas, it is the established policy of the State of Minnesota to develop and conserve forests, and Whereas, adequate fire breaks are a prerequisite to adequate means of controlling the spread of fires within the forest areas of this state, and Whereas, it is within the police powers reserved in the state to enact necessary laws to protect the forests of this state, and Whereas, adequate fire breaks are a prerequisite to the perpetuation and protection of forest areas and an asset to the beautification of highways, roads and trails. Therefore, in order to assure that there is sufficient need for calling upon the police powers reserved in the state of Minnesota, and it is enacted: (Preamble to Act Apr. 17, 1933, c. 329, § 1, as amended by Act Mar. 25, 1937, c. 113, § 2.)

The prohibition against entering any forest area before the fire season will take effect from its passage and repeal all laws in conflict.

Structures on tax forfeited lands within state forests may be sold, leased, or razed pursuant to regulations established by the commissioner for the purpose of improving the condition of public lands and promoting the perpetuation and protection of forest areas and an adequate means of controlling the spread of fires within these areas.
and where no designation is made are required to be paid into general revenue fund. Op. Atty. Gen. (700d-21), Apr. 1, 1938.

4031-11 1/2a. May permit removal of dead and down timber, etc.—The Director of the Division of Forestry may permit under his direct supervision and control, any Civilian Conservation Corps, Works Progress Administration, or other State or Federal relief agency, actually engaged in the improvement and conservation of State Trust fund lands within the boundaries of any state forest, to clean up and remove all dead and/or down timber, underbrush, rotting logs, stumps, and all other inflammable refuse and debris which is deemed to be a fire hazard or the removal of any trees in forest stand improvement and cultural operations which is advisable in the interest of good forest management; and to use so much of said cuttings for firewood and other forest development needs while said camps are thus actively engaged in the improvement and care of said camps. (Added to Act Apr. 17, 1933, c. 320, §1 by Act Mar. 25, 1937, c. 113, §2.)

Section 2 of Act Mar. 25, 1937, cited, provides:

"That the law is to take effect from and after the date of its passage and all laws in conflict herewith are, for the purpose of this Act, hereby declared repealed.

The Director of the Division of forestry and standing timber for forest fire protection on state trust fund lands within state forests is authorized, and department of conservation and forestry may pay federal CCC agency such part thereof as may be required to meet its regulations as part of project costs. Op. Atty. Gen. (27b), Aug. 4, 1938.

4031-14a. May acquire lands for fire protection.—Sec. 1. That the Director of the Division of forestry, department of conservation, be and he hereby is authorized to acquire from the owner of the State of Minnesota, or other parties in interest, to accept as gifts to the state the title to any tract of land not exceeding forty acres in area, or to accept any easement in or upon any tract of land, farm, or other property, which is necessary or convenient for the use of the state as locations for watch towers, warehouses, or other buildings of any kind, or as locations for firebreaks, or for any other use in connection with his duties as Director of the Division of forestry—also to condemn land and the tract of lands not exceeding forty acres for said purposes; also to acquire by gift, purchase, or condemnation any easement or right of way that may be necessary to provide access to any tract of land acquired under this Act. (27, c. 329, §1; Apr. 17, 1933, c. 220, §1; Apr. 17, 1933, c. 302, §1.)

4031-14b. May acquire site for towers.—Sec. 2. That said Director of the Division of forestry, department of conservation, is also authorized, on behalf of the State of Minnesota, to purchase small tracts or parcels of lands not exceeding forty acres in area, or claim any easement in or upon any tract of land, farm, or other property, which is necessary or convenient for the use of the state as locations for watch towers, warehouses, or other buildings of any kind, or as locations for firebreaks, or for any other use in connection with his duties as Director of the Division of forestry.—also to condemn land and the tract of lands not exceeding forty acres for said purposes; also to acquire by gift, purchase, or condemnation any easement or right of way that may be necessary to provide access to any tract of land acquired under this Act. (27, c. 329, §2; Apr. 17, 1929, c. 220, §2; Apr. 17, 1933, c. 302, §2; Apr. 29, 1935, c. 332.)

4031-18. Notices of cutting of timber, etc. A justice of the peace, where the prescribed punishment is in the alternative as between a fine or jail sentence, may impose a straight jail sentence without the option of a fine, but where a defendant is sentenced to pay a fine, said sentence in jail is suspended on condition of payment of the fine, the judgment In favor of the state for money. An itemized statement verified by the oath of the forester or district ranger, the said person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) and not exceeding one hundred dollars ($100.00) and costs of prosecution; and each day during which such failure to comply with said requirements of the forest service continues shall be deemed a separate and distinct violation of this act, but any number of such offenses may be prosecuted as separate counts of one charge or information.

4031-19. Forester may require slashings and debris to be disposed of.—Where and whenever in the judgment of the Director of the Division of forestry the removal of slashings and debris may be necessary and convenient for the use of the state as locations for watch towers, warehouses, or other buildings of any kind, or as locations for firebreaks, or for any other use in connection with his duties as Director of the Division of forestry, the said person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) and not exceeding one hundred dollars ($100.00) and costs of prosecution; and each day during which such failure to comply with said requirements of the forest service continues shall be deemed a separate and distinct violation of this act, but any number of such offenses may be prosecuted as separate counts of one charge or information.

When any such slashings, debris, or refuse are not disposed of or are not left unattended, contrary to the instructions of the forester or district ranger, the forester or any district ranger or patrolman may go upon the premises and such peculiarities as may be necessary or convenient for the use of the state as locations for watch towers, warehouses, or other buildings of any kind, or as locations for firebreaks, or for any other use in connection with his duties as Director of the Division of forestry—also to condemn land and the tract of lands not exceeding forty acres for said purposes; also to acquire by gift, purchase, or condemnation any easement or right of way that may be necessary to provide access to any tract of land acquired under this Act. (27, c. 329, §1; Apr. 17, 1933, c. 220, §2; Apr. 17, 1929, c. 220, §2; Apr. 17, 1933, c. 302, §2; Apr. 29, 1935, c. 332.)
Every contract made by or on behalf of any municipality or political subdivision of this state, which involves the cutting of any timber on the right-of-way of a public highway, shall provide in terms of this act and in full compliance with the State Forest Act, that the failure to include such provision in the contract shall not relieve said contractor from the duty to burn and dispose of said slashings as aforesaid.

In all cases not herein provided for, where timber is cut in, upon or adjoining any forest land and no specific directions are given by the forester or district ranger for the disposal of slashings and debris resulting therefrom, all such slashings and debris within two hundred feet of any adjoining timber land or (and) any public highway, railroad, portage or lake shore, shall nevertheless be piled in separate and compact piles ready for burning, which piling shall be done by the person by or for whom such timber was cut within fifteen days after such timber was cut, and such person shall thereafter make such further disposition of such slashings and debris as the forester or district ranger may direct.

No sawdust, shavings, chips, bark, edgings, slabs, or other inflammable refuse from the manufacture of lumber or other products shall be placed, deposited upon any public highway, portage, railroad, or lake shore, or within one hundred feet thereof. (11, c. 125, §§15, 16; '13, c. 169, §44; G. S. '13, §§3797, 3798; G. S. '23, §§4015, 4016; '25, c. 407, §19; Apr. 19, 1929, c. 580.)


4031-21. Fires to be extinguished before leaving. —Every person who, when the ground is not covered with snow, starts a fire in the vicinity of forest or prairie land shall exercise every reasonable precaution to prevent such fire from spreading, and shall, before lighting the same, clear the ground of all branches, brushwood, dry leaves and other combustible material within a radius of five feet from the fire and shall keep such fire under his immediate personal supervision and control at all times, and shall carefully extinguish the fire before quitting the place. (11, c. 125, §21; G. S. '13, §§3803; G. S. '23, §§4021; '25, c. 407, §21; Apr. 19, 1929, c. 261, §1.)


4031-22. Starting fires. —Where unlawful without permission. —Fire breaks—Reports of fires. —This act does not offend the equality provisions of the Constitution. 176M472, 223NW918.

Expense of extinguishing fires in townships outside of designated ranger districts cannot be charged in any manner against land until after a judicial determination has been made that the land is the site of a fire. 176M472, 223NW918.


4031-23. Permission to start fires. —This act does not offend the equality provisions of the Constitution. 176M472, 223NW918.

4031-24. Neglect or refusal to perform duty—penalty. —Every forestry employee of the state who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest lands, or leave it unattended, or be a party thereto, or who shall set fire to brush, stumps, dry grass, field stubble, or other material and fall to extinguish the same before it has endangered the property of another, every person who shall neglect to perform his duty, or who negligently sets any fire upon his own lands or extend beyond the limit thereof; every person who shall use other than incombusible wads for firearms, or carry a naked torch, firebrand, or exposed light in or near forest land, or who, upon any such land or in the vicinity thereof, or on or near any public, private, or railroad right of way or private road of any kind running over or along or in the vicinity of any such land, shall throw or drop any burning match, ashes of pipe, lighted cigar, or cigarette, or any other burning substance, and who fails to extinguish such fire, to cause the extinguishment of fires from locomotive engines, he shall order any railroad company to provide patrolmen to follow such train through such forest or railroad right-of-way, and if the railroad company fails to extinguish such fires he shall order the same to be done by the person by or for whom such timber was cut within fifteen days after such timber was cut, and such person shall thereafter make such further disposition of such slashings and debris as the forester or district ranger may direct.

No sawdust, shavings, chips, bark, edgings, slabs, or other inflammable refuse from the manufacture of lumber or other products shall be placed, deposited upon any public highway, portage, railroad, or lake shore, or within one hundred feet thereof. (11, c. 125, §§15, 16; '13, c. 169, §44; G. S. '13, §§3797, 3798; G. S. '23, §§4015, 4016; '25, c. 407, §25; Apr. 19, 1929, c. 261, §2.)

Section applied to fire started by owner on premises with no effort was made to extinguish it by trenching around fire. Op. Atty. Gen., Aug. 15, 1933.

4031-26. Railroad fire patrolmen—Employment—Failure to provide—Penalty. —Patrol of railroad right-of-way—Penalties. —When in the judgment of the director there is danger of the spreading of fires from locomotive engines, he shall order any railroad company to provide patrolmen to follow each train through such forest right-of-way, and if the railroad company fails to extinguish such fires he shall order the same to be done by the person by or for whom such timber was cut within fifteen days after such timber was cut, and such person shall thereafter make such further disposition of such slashings and debris as the forester or district ranger may direct.
the director of the division of forestry has reason to believe that a certain locomotive caused a fire he can order the railroad company to forward to him, at once, by mail, a written report of the inspect.

Every person operating a railroad for any purpose shall equip and use upon such locomotive engine a practical and efficient ash pan and spark arrester device, which the master mechanic or corresponding skilled employe of such operator shall cause to be inspected each time before such locomotive leaves the roundhouse or starts an any trip, between the dates of March 1 and November 30, both dates inclusive, of each year; provided, however, that it shall not be required to make more than one such inspection, of such engine; and such engine shall be examined at least once a year.

Between the dates of December 1 and February 28, both dates inclusive, of each year, such inspection shall be made at intervals of not more than seven days. Where spark arresters are equipped with a manhole door such door shall be removed before such engine goes on any trip. Such ash pan and spark arrester device shall be constructed and operated in conformity and in compliance with all the following specifications.

(a) Except when the ash pan is being cleaned, the hopper opening for removal of cinders on ash pans constructed with hoppers shall be kept closed while the engine is in use by a cast slide supported by cast gussets, and there shall be no opening greater than five-sixteenths of an inch between the slide and hopper; or such openings in hoppers for removal of cinders may be closed by what is known as the "railroad type of hopper bottom," the general design of which shall be approved in writing by the director.

(b) Ash pans commonly known as solid or swipe pans shall have the ends, if open, covered either with a substantially constructed solid damper or screen damper, the bottom of such damper or screen damper shall extend at least one and one-fourth [sic] inside or outside the pan when closed, leaving no openings greater than five-sixteenths of an inch in width, so arranged that it can be fastened down and kept fastened down when the engine is in use. If a screen is used, it shall conform to the specifications for use in spark arresters, as contained in this act.

(c) Openings in ash pans for draught purposes shall be protected by screens bolted firmly and securely over such openings, or such additional openings, or such additional plates in place of screens, provided that any deflector plate used for such purpose shall extend above or below (as the case may be) the opening to be protected a distance at least equal to the width of such opening and, provided, further, that any such deflector plate so used shall be closed in at each end thereof. All screens so used and the bolting in place thereof shall conform to the specifications for spark arresters, as contained in this act.

(d) On locomotive engines where there is an opening between ash pan and the foundation ring, protection shall be furnished by a flare brought up level with the bottom of the foundation ring, such flare being either a substantially constructed solid damper or screen damper, and shall be such as to hold the casting securely in place. All screens so used and the bolting in place thereof shall conform to the specifications for spark arresters, as contained in this act.

(e) Openings in ash pans for entry of grate connections must be protected; and the openings around the rods where they enter the ash pan must not be greater than five-sixteenths of an inch in width, or the grate connections outside the ash pan must be boxed in for their full length so that no sparks or cinders can possibly escape.

(f) Plates and angle irons used in ash pans, including all fire protective devices attached thereto, shall not be less than one-fourth of an inch in thickness, and the ash pans, including all fire protective devices attached thereto, shall be so constructed, and maintained in such condition, that there shall be no opening in excess of five-sixteenths of an inch in width.

Material used in construction or repair of ash pans shall be of iron or steel securely bolted or riveted or welded in place. No cement, putty, asbestos, or other material or substance other than iron or steel, shall be applied to, laid on, attached to or used in any way in connection with or made a part of ash pans.

From and after May 1, 1933, the spacing of bolts, rivets, studs and other fastening devices in sheet iron and steel plates whether fastened to other plates, castings, forgings or other parts when used in the construction or repair of ash pans and all fire protective appliances attached thereto, shall not be greater than three and three-fourths inches center to center. The spacing of bolts, rivets, studs and other fastening devices in castings, used in the construction of ash pans and all fire protective appliances attached thereto, shall be such as to hold the casting securely in place.

(g) Such ash pans shall be equipped with swipes, injector overflows or other sprinkling devices, and ashes and coals therein shall be kept extinguished and dampened at all times between April 15 and October 31, both dates inclusive, of each year, and during such additional period, in any particular territory, as may be specified in writing by the director.

(b) Spark arrester screens shall be either square mesh wire screen or oblong mesh wire screen or perforated plate, and shall conform to the following specifications:

<table>
<thead>
<tr>
<th>SQUARE MESH WIRE SCREEN</th>
<th>Condemning limit of opening in mesh in either direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mesh per lineal inch in diameter of wire when new</td>
<td></td>
</tr>
<tr>
<td>2 1/4 by 2 1/4</td>
<td>0.134 inch</td>
</tr>
<tr>
<td>2 1/2 by 2 1/2</td>
<td>0.134 inch</td>
</tr>
<tr>
<td>3 by 3</td>
<td>0.105 inch</td>
</tr>
<tr>
<td>4 by 4</td>
<td>0.081 inch</td>
</tr>
<tr>
<td>5 by 5</td>
<td>0.072 inch</td>
</tr>
<tr>
<td>6 by 6</td>
<td>0.063 inch</td>
</tr>
<tr>
<td>7 by 7</td>
<td>0.063 inch</td>
</tr>
</tbody>
</table>

Fractional mesh shall not be used except as specified.

<table>
<thead>
<tr>
<th>OBLONG MESH WIRE SCREENS</th>
<th>Condemning limit of opening in mesh when new opening mesh wire in either direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of opening mesh wire when new</td>
<td></td>
</tr>
<tr>
<td>3/8 by 3/8 inch</td>
<td>0.124 inch</td>
</tr>
<tr>
<td>5/8 by 5/8 inch</td>
<td>0.124 inch</td>
</tr>
</tbody>
</table>

The openings in perforated plates when new shall be oblong, not exceeding three-sixteenths of an inch in width nor three-fourths of an inch in length, and there shall not be less than one-eighth of an inch in width nor three-eighths of an inch in length, between such openings. Such opening in excess shall not be less than 0.035 of an inch in thickness. The condemning limit of the openings in perforated plate
shall be one-fourth of an inch in width and thirteen-sixteenths of an inch in length.

(i) The spark arrester screen shall have a man-   

hold door with a substantial rigid frame, large enough   

to allow the entry for purposes of inspection and   

repair.

(j) All angle irons and plates used for the pur-   

pose of attaching or supporting any part of the spark   

arrester device shall be so placed as to fit closely and   

continuously to the smoke arch, plates, angle irons,   

and other parts.

(k) Plates used in the construction or repair of   

spark arresters wherever attached, shall not be less   

than three-sixteenths of an inch in thickness.

From and after May 1, 1931, angle irons used in   

spark arresters shall be at least one-fourth of an   

inch by two inches on all locomotive engines unless otherwise au-   

thorized in writing by the director. The spacing of   

rivets, bolts, studs and other fastening devices used   
in spark arresters shall not be greater than set forth   
in the following specifications.

Fastening screens—three and one-half inches cen-   
ter to center.

Fastening angle irons to smoke arch—eight inches   
center to center.

Fastening plates—five inches center to center.

Fastening angle irons to the sheet—eight inches   
center to center.

Material used in the construction or repair of spark   
arresters shall be of iron or steel securely bolted or   
vibrated in place. No cement, putty, asbestos, or other   
material or substance other than iron or steel shall be   
applied to, laid on, attached to, or used in any way in   
connection with or made a part of spark arresters except upon written approval of the   
director. No opening anywhere in the spark   
arrester device, other than the openings here-   
specified for wire screen and perforated plate, shall be   
larger than one-fourth of an inch in width.

(l) Devices and appliances differing from those   

specified in this subsection may be used for experi-   

mental purposes only by written permission of the   
director during such limited periods and upon such   
terms and conditions as he may prescribe. Such writ-   
ten permission shall be subject to revocation by the   
director at any time, and such experimental devices   
or appliances shall not be permanently adopted unless   
authorized by law.

(m) Permission is hereby given to use as a spark   
arrester on all types of engines using wood, coal, oil   
or other fuels the so-called “Cyclone Spark Arrester.”   
Such arrester shall consist primarily of a drum with   
entrance so arranged that the products of combustion   
shall be given a rotary motion within the drum to the   
to the extent that all sparks shall be sufficiently cooled   
before leaving the stack as to preclude such sparks   
reaching the ground alive. The drum shall be con-   
structed of iron or steel at least one-fourth inch in   
thickness. The number of fastenings shall be such as   
to hold the plates and other parts securely in   
position. All parts of the spark eliminator which   
are essential to its operation shall be maintained in   
a safe and suitable condition at all times.

Subsection (2). A record shall be kept of all ex-   

aminations required by this section, in a book to be   
furnished by every person operating a railroad for   
any purpose, showing:

(a) The place and number of each engine in-   

spected.

(b) The date and hour of day of such inspection.

(c) A detailed statement signed by the employee   

making the inspection, giving location and size of   

openings greater than permitted by this act and of   
any and all defects found in the ash pan or spark   
arrester device, and of the condition thereof.

(d) A detailed statement signed by the employee   
making the same, of any and all repairs, replacements   
or renewals made at any time on or in connection   
with the ash pan or spark arrester device.

The said book shall always be open for inspection   
by the director or other authorized officer appointed   
by him.

Subsection (3). (a) The master mechanic or cor-   
responding employees shall be held responsible for   
the good condition of the ash pan and spark arrester   
device, but without relieving the person owning or   
operating such locomotive engine from his responsi-   
bility hereunder.

(b) Any locomotive inspector appointed by the di-   
rector is authorized to inspect any locomotive engine   
operating in the vicinity of forest, brush, grass,   
and peat lands, and to enter upon any property for such pur-   
pose whenever he may deem it necessary in order to see   
that all the provisions of this act and of other acts relating to the subject matter hereof are duly   
complied with. When the inspector requests the per-   
person in immediate charge of such locomotive that he   
be accompanied while making the inspection by a   
representative of the person owning or operating such   
locomotive such request shall be immediately, com-   
plied with and either the roundhouse foreman, assis-   
tant roundhouse foreman, boiler foreman or corre-   
sponding employee shall accompany the inspector dur-   
ting the time he is making such inspection. Such in-   
spector shall have access to the records of every per-   
on operating a railroad for any purpose, and au-   
thority to make copies thereof, showing the locations   
and movements of all locomotive engines within this   
state, and is authorized to use such methods as he   
may deem advisable in making up his records and   
substantiating his findings. No locomotives shall be   
operated in the vicinity of forest, brush, peat or grass   
lands after being found defective by such inspector   
and after notice of such condition has been given to   
the person in charge of such locomotive, unless the   
defects found by the inspecter have been made, except where   
locomotive is found defective under it may proceed   
under the terms and conditions as he may prescribe. Such writ-   
ten permission shall be subject to revocation by the   
director at any time, and such experimental devices   
or appliances shall not be permanently adopted unless   
authorized by law.

(c) Any violation of the provisions of this sub-   
section shall be a gross misdemeanor; provided, how-   
ever, that the provisions of this subsection shall not   
relieve anyone from any duty or liability under any   
provision of this act or any other statute.

Subsection (4). Every person operating a railroad   
for any purpose shall keep its right-of-way clear of   
grass, brush, combustible materials, logs, poles, lum-   
ber and wood, except ties and material for shipment   
and other material necessary for the maintenance   
and operation of the road, from March 15 to Decem-   
ber 1. During particularly dry and dangerous periods   
the forester may prohibit any and all burning along   
any all of any railroad right-of-way for a definite   
period.

Subsection (5). Every person operating a railroad   
for any purpose shall establish and maintain such   
firebreaks along the route of its railway as can be   
constructed and maintained at not excessive expense. The   
intention shall be to adjust the protective meas-   
tures to the local conditions, and to make the expense
proportionate to the fire risk and the possible damage.

Subsection (6) (a). Except when the ground is covered with snow, no donkey engine, tractor engine, saw mill engine, threshing engine, steam shovel, railroad ditcher, railroad wroker, or portable engine or other engine or boiler (except any locomotives conforming to all the requirements of this act) shall be operated in the vicinity of forest, brush, peat or grass lands, unless and until the same is provided with a practical and efficient spark arrester device.

(b) No gas tractor or internal combustion engine shall be operated in the vicinity of peat roads or loose peat roads, unless and until the same is provided with a practical and efficient spark arrester device.

(c) The person in charge of such engine or boiler shall be held responsible for the good condition of the spark arrester device, but without relieving the person owning the engine or boiler of the duty of making sure that such device is effective.

(4) No person operating a railroad for any purpose shall leave a deposit of fire, live coals or ashes in the immediate vicinity of forest land or lands liable to be overrun by fire.

Subsection (7). No person operating a railroad for any purpose shall leave a deposit of fire, live coals or ashes in the immediate vicinity of forest land or lands liable to be overrun by fire.

Subsection (8). Every person operating a railroad for any purpose shall leave a deposit of fire, live coals or ashes in the immediate vicinity of forest land or lands liable to be overrun by fire.

Subsection (9). Any person operating a railroad for any purpose shall make written report to the director, in such form as the director may prescribe, covering each fire in the open on or adjacent to the right-of-way of such railroad —within one week after the occurrence of such fire, unless such time shall be extended by written order of the director, provided that the provisions of this subsection shall not be construed to relieve any person from the duty of reporting such fire as required by any other law.

Subsection (10). Whenever any combustible material shall be left in the immediate vicinity of railroad property without proper protection or so as to constitute a fire menace, it shall be the duty of the owner of such material, upon being notified in writing by the director or any forest ranger, as to the nature and extent of the protection required, to furnish within a reasonable time, with all the terms of such notice so as properly to protect such material, or remove the same; and upon default of the owner, such protection or removal may be accomplished under the direction of the director and the expense thereof collected from such owner.

Subsection (11). Every person operating a railroad for any purpose who shall fail to equip and use upon each locomotive engine a practical and efficient ash pan and spark arrester device, constructed and operated in such form and manner as to be effective, shall be held liable for the cost of making such repairs and shall be credited to the general revenue fund of the state.

Subsection (12). All forms, records, placards and notices of any kind, required to be printed by the companies under this act shall be “approved” by the director every two years, beginning May 1, 1939, and all such forms shall be ordered changed at such periods. Any new forms, records, placards and notices of any kind so ordered shall be put in use at once unless written permission is given by the director for the use of the old form until the supply then on hand is exhausted.

This act does not offend the equality provisions of the Constitution. 176M472, 223NW912. Evidence held to sustain finding that fire destroying automobile was caused by hot furnace debris negligently allowed to escape to property on which automobile was parked. Hammerstad v. A., 19GM561, 265NW427, §2.)

4031-30. Appeals in prosecutions—etc.
In a criminal prosecution before a justice of the peace in a municipal court in a misdemeanor case, a forest ranger or patrolman may assist in presenting the evidence in behalf of the state by examination of the witness. Op. Atty. Gen., May 27, 1931.

4031-34a. Director or division of forestry may close roads and trails in forest areas.—Whenever the Director of the Division of Forestry, Department of Conservation, shall determine that conditions conducive to forest fire hazards exist in the forest areas of the state as defined by the Forestry act and that the presence of persons in such forest areas may gravitate such forest fire hazards, render forest trails impassable by driving thereon during wet seasons and hamper the effective enforcement of state timber trespass and game laws, he may by written order with the approval of the Commissioner of Conservation.
close any road or trail which may have been constructed by the Division of Forestry, Department of Conservation, over tax delinquent land or state trust fund lands or where easements granting such authority have been obtained, on privately owned lands. Provided further that any of the above roads and trails may not be legalized as township or county roads except as provided in Section 7, Chapter 263, Laws 1931 [§6513-7]. (Mar. 25, 1937, c. 114 [§1].)

WHITE-PINE BLISTER-RUST

4031-35 1/2. Definitions.—That for the purpose of this act the following words, names and terms shall be construed respectively, to mean:

(a) Commissioner: The commissioner of forestry and fire prevention.

(b) Cultivated black currants: Plants, roots, cuttings or scions of Ribes nigrum L.

(c) Currants and Gooseberries: Plants, roots, cuttings of scions belonging to the genera Ribes L. and Grossularia (Tourn.) Mill.

(d) Blister-rust control area: An area established by state authority wherein the planting or possession of currant and gooseberry plants is prohibited for the purpose of protecting the white pine on such area from damage by white-pine blister-rust.

(e) White-pine: Plants of any species belonging to the genus Pinus which bear their needles in clusters of five.

(f) White-pine blister rust: The fungus disease caused by Cronartium ribicola Fischer. (Act Apr. 17, 1929, c. 218, [§1].)

4031-35 1/2a. Certain diseases declared pests.—The fungus disease commonly known as the white-pine blister-rust caused by Cronartium ribicola Fischer is hereby declared to be a dangerous forest pest in all its stages; and it shall be the duty of the commissioner of the forestry and fire prevention to prosecute the measures hereinafter specified for the control of this pest. (Act Apr. 17, 1929, c. 218, [§5].)

4031-35 1/2b. Diseased plants may be destroyed.—Any white-pines or currants or gooseberries within the state which are found to be infected with white-pine blister-rust are hereby declared a public menace, and any such diseased plants and any and all wild plants of the genera Ribes and Grossularia may be destroyed by order of the commissioner or his agents. Any currants, gooseberries or white-pines not infected with white-pine blister-rust may be destroyed by the commissioner or his agents where necessary for carrying out the purposes of this act. (Act Apr. 17, 1929, c. 218, [§8].)

4031-35 1/2c. Commissioner of Forestry to promulgate regulations.—The commissioner is hereby authorized and empowered to promulgate by notification, publication, poster or other means, information concerning the white-pine blister-rust and to designate by the aforesaid means of promulgations blister-rust control areas within the state in which control measures are necessary or advisable. It shall be the duty of every land owner within such designated area, to carry out such control measures as are ordered by the commissioner, including the removal and destruction of any or all wild cultivated currants and gooseberries or white-pines and no currants or gooseberries shall be planted within blister-rust control area without written permission from the commissioner. If the owner fails to destroy the above named plants within the time specified by the commissioner, the commissioner shall cause said plants to be destroyed and the expense thereof shall be a lien upon the owners land. Such lien shall have the same effect and may be collected in the same manner as taxes on the land. Any moneys so collected shall be paid into the state treasury and credited to the fund provided for this work. (Act Apr. 17, 1929, c. 218, [§4].)

4031-35 1/2d. Owners may be reimbursed for plants not infected.—If currants, gooseberries or white-pines, which are not infected with white-pine blister-rust, are destroyed by the specific order of the commissioner or his agents, the owner may be compensated therefore for the damages to be assessed by the commissioner or his agent and not to exceed the actual value of the material destroyed and paid to said owner by the state treasurer upon authorization of the commissioner, provided that any and all wild currants and gooseberries are hereby declared noxious weeds and no compensation shall be paid therefor. (Act Apr. 17, 1929, c. 217, [§6].)

4031-35 1/2e. Commissioner and agents may enter private and public lands.—The commissioner and his agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white-pine blister-rust in any of its stages and to carry out measures for its control. (Act Apr. 17, 1929, c. 218, [§6].)

4031-35 1/2f. Commissioner may cooperate with Federal Government.—The commissioner may cooperate with the departments of the federal government, the state department of agriculture, the agricultural experiment station and with counties, towns, school associations and individuals (in the general way) for the suppression and control of white-pine blister-rust and for carrying out such investigations of the disease and its control as are deemed advisable by the commissioner. (Act Apr. 17, 1929, c. 218, [§7].)

4031-35 1/2g. State inspector of nurseries to have powers as commissioner.—The state inspector of nurseries and his agents, under direction of the commissioner of agriculture, shall have the same power and duties for suppression and control of the white-pine blister-rust on land within or contiguous to any nursery or regulate the entry into or movement within the state as is vested in the commissioner and his agents. The expenses necessary for carrying out Section 9 [§4031-35 1/2h] of this act shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture. (Act Apr. 17, 1929, c. 218, [§8].)

4031-35 1/2h. Inspection to regulate importation or exportation.—The state inspector of nurseries is hereby authorized and empowered to prohibit and prevent or regulate the entry into or movement within the state from any part thereof to any other part of any and all wild plants or any and all seed material from a foreign country when such plants are to be shipped into blister-rust control areas, and may be enforced in like manner to that prescribed in Section 2, Chapter 198, Session Laws 1927. (Act Apr. 17, 1929, c. 218, [§9].)

The reference “Section 2, Chapter 198, Session Laws 1927” seems to be an error in enactment.

4031-35 1/2i. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 17, 1929, c. 218, [§10].)

FISHING RESTRICTIONS

4031-35 1/2j. Fishing for brook trout in certain seasons.—(a) Whenever after investigation the commissioner of forestry and fire prevention shall determine that conditions conducive to forest fire hazards exist at any place in the forest areas of the state as defined by the forestry act in the vicinity of any waters frequented by persons taking or attempting to take brook trout and that the presence of persons attracted by the opportunities for taking brook trout in such vicinity tends to aggravate such fire hazards, he may by written order, with the approval of the commissioner of game and fish, prohibit or restrict, upon such conditions as he may prescribe, the taking of brook trout in such waters during such period in any year as he may deem necessary for the purpose of preventing such fire hazards. (b) Every such order, together with the written approval of the commissioner of game and fish...
appended thereto, shall be filed in the office of the commissioner of forestry and fire prevention, and a duplicate thereof shall be filed in the office of the commissioner of public lands and mines. The commissioner of forestry and fire prevention shall cause a copy of such order and approval to be published at least once in a qualified legal newspaper published at the county seat, of each county affected by such order, or in some other qualified newspaper of the county, if there be none published at the county seat, and such order shall take effect and be in force in each such county from and after the date of such publication therein.

(c) After the taking effect of any such order it shall be unlawful to take or attempt to take brook trout in violation thereof, and any person who shall so do shall be guilty of a misdemeanor.

(d) Any such order may be modified or rescinded at any time. (Act Apr. 25, 1931, c. 372, §1.)

4031-534. Acts modified.—All acts and parts of acts inconsistent herewith are hereby superseded, modified, and amended so far as may be necessary to give full force and effect to the provisions of this act. Otherwise this act shall not be deemed to supersede or repeal any existing act relating to the taking of brook trout, but shall be construed as supplementary thereto. In determining the assessed value of brook trout or any part thereof, as after enacted shall be construed as inconsistent herewith.

with unless it is expressly provided therein that this act shall be superseded, amended, modified, or repealed in whole or in part, or unless such future act shall specifically relate to the subject matter of this act. (Act Apr. 25, 1931, c. 372, §2.)

PREVENTION OF FOREST FIRES IN COUNTIES, TOWNS, CITIES AND VILLAGES

4031-50. Improvements by towns, cities and villages—Limitation on indebtedness.


AFFORESTATION AND REFORESTATION

4031-05. Rate of tax—Special taxes.—(a) From and after the filing of the contract creating any tract of land an auxiliary forest under this act the surface of the land therein (exclusive of merchantable timber thereon at the time of making such contract and of mineral or any thing of value thereunder) shall be assessed annually at the rate of 5 cents per acre. Said tax shall be levied and collected from the person owning the same, and each such tax and all other taxes and charges on lands therein assessed for fire protection may pay switching charges out of fire fund.

(b) Merchantable timber standing or being upon land paid for under the provisions of this act shall be assessed as merchantable timber.

(c) In addition to the foregoing taxes each auxiliary forest, except those in the nature of wood lots guarded or protected by resident owners or their tenants, shall be assessed in the same manner as other state taxes, shall be transmitted to and paid into the state treasurer and shall be used for the purpose of afforestation, reforestation, flood control projects, wild game and fish reserves, or other public state purposes. (Act Apr. 25, 1931, c. 372, §1.)

4031-78. Commissioner of forestry to establish nurseries.—That the commissioner of forestry and fire prevention, be, and he hereby is, authorized to establish, maintain auxiliary nurseries, to promote the production of forest tree planting stock in this state. Such nurseries may be established at such place, as in the judgment of said commissioner best promote the purpose of this act, but at no time shall any indebtedness thereunder be created hereunder beyond the amount of all funds or appropriations expressly provided and available at such time for such purpose. (Act Apr. 21, 1931, c. 281, §1.)

4031-74. Stock to be used on state lands.—Said commissioner may purchase or collect confinous forest planting stock indigenous to Minnesota or grow the same, and shall supply the same for use on state owned land; but no such plantings shall be sold or given away. (Act Apr. 21, 1931, c. 281, §2.)

Sec. 3 of the act makes an appropriation for years ending June 30, 1932, and June 30, 1933.

Nursery stock can be supplied to Rural Credit Departments for planting on rural credit lands, though such land may be later sold. Op. Atty. Gen. (203/-9), June 17, 1936.

4031-75. State reforestation projects established.—For the purpose of afforestation and reforestation projects, the board of county commissioners of any county within which such lands are located, and in which on January 1, 1933 the taxes on more than 25 per cent of the acreage of the lands in any townships in said county, as shown by the tax books thereof, are delinquent, and in which on January 1, 1933 the taxes or assessments on more than 50 per cent of the acreage of the lands included in the area or project therein provided for, as shown by the tax books of said count, are delinquent, and of which on January 1, 1933 the bonded ditch indebtedness of any county therein may of said lands exceeds 15 per cent of the assessed value of the county for the year 1932 as fixed and determined by the Minnesota Tax Commission, exclusive of moneys and credits, shall by resolution adopting such project to be the auditor of the state of Minnesota that any "area in said county consisting of one or more townships, or part of any township, containing such lands be taken over by the state for afforestation, reforestation, flood control projects, wild game and fish reserves, or other public state purpose, to be managed, controlled and used for the development of forests and prevention of forest fires, and for the purpose of experimenting in and practical-
ly advancing afforestation, reforestation, or for the purpose of impounding, controlling and regulating the waters of meandered lakes and the flow of natural streams, or for the purpose of obtaining and accumulating wild game and fishing reserves, or for either or any such purposes," or for any other public state purpose, on lands to be acquired by the state within such projects as hereinafter set forth. Each such area shall be known as and be considered as a governmental unit, and all lands owned by the Rural Credit Board, and all lands owned by the Executive Council of the state, or such department as shall be established in lieu thereof, and considered and acted upon by that department; if approved by that department it shall then be submitted by the Executive Council of the state, or such department as shall be established in lieu thereof, and if approved by that department such proposition shall be formally accepted by the Governor and his acceptance shall be considered as writing to and with the auditor of such county. State school, swamp, indemnity and institutional lands which have heretofore or shall hereafter be sold as provided by law, and for which certificates of sale have been issued at the time ask for sale by the auditor of such county, and all lands owned by the Rural Credit Bureau of said state, shall be considered taxable lands within the meaning of this section and if the taxes or ditch lien assessments on such lands or the interest thereon are delinquent, may be considered lands on which the taxes are delinquent within the meaning of this section. (Act Apr. 22, 1933, c. 402, §1.)

Preamble.
Whereas, the laws of the State of Minnesota, in force prior to the year 1925, relating to public drainage ditches authorized the establishment of such ditches upon petitions signed by a small number of property owners, and upon hearings held thereon, the general tax payers were not adequately represented; and whereas, pursuant to the establishment of such ditches it was found and determined by the constituted authorities that the establishment and construction thereof would be a public utility and would promote the public health; and whereas, under such laws it was mandatory upon the boards of county commissioners and other county officials to issue and sell the general obligation bonds of the state to raise the funds for the installation and resources and unlimited taxing powers of such county, and to pay the cost of establishment, construction and repair of such ditches; and whereas, pursuant to such laws certain counties have heretofore incurred obligations to finance and refinance the cost of the construction and repair of such ditches upon lands which it now appears were and are not now primarily suitable for agriculture, and the special assessment levied upon lands supposedly benefited by said ditches cannot be collected in a sum sufficient to pay such bonds, and the payment of such bonds by the use of the taxing powers of such counties would result in considerable rates to the extent that taxes so levied would not be paid; and whereas, default in the payment of such bonds by certain counties has resulted in the issuance of the general obligation bonds of the State of Minnesota and all its political subdivisions and municipal corporations in the state of Minnesota, resulting in greatly added interest charges on all public financing for many years to come; and whereas, lands in such counties will become available for state ownership by reason of delinquent tax liens thereon, and such lands are suitable for establishment, construction and maintenance of such projects, shall have the right of eminent domain and compensation made to the property owners and municipalities affected and damaged. Each such area or project shall contribute from the funds and moneys of the project, in proportion of the State Land Fund to the project for the construction, maintenance or refinance of such roads and highways as may be necessary within such areas and projects in order to give the settlers therein and owners of privately owned lands to their free use and enjoyment. Each of such areas is hereby transferred to the Department of Conservation and its successors may construct and maintain such roads and highways within

| 4081-76. Definitions.—The word 'taxes' as used in this Act shall be held to include taxes of every kind, including special assessments of every kind. The term 'such areas' as used in this Act shall be held to include bonds and accumulated interest thereon of every nature issued to finance or refinance the construction, maintenance or repair of public drainage ditches. (Act Apr. 22, 1933, c. 402, §2.) | 4651-77. Forest to be under management of department of conservation.—Each of such projects, so approved and accepted, shall be under the management and control of the Department of Conservation, which shall have and is hereby given full power and authority to make, establish, promulgate and enforce all necessary rules and regulations not inconsistent with the laws of this state for the care, protection and development of forests and for experimenting in and practically advancing afforestation and reforestation therein, and impounding, controlling and regulating the waters of meandered lakes and the flow of natural streams, or for other public state purposes, and for the prevention of forest fires therein, and for the sale of merchantable timber from lands acquired by the state therein when and where, in the opinion of such department, the same may be sold and removed without damage or injury to the purposes of such projects; provided, however, that such rules or regulations shall in any manner interfere with, destroy or damage any private owned property without just compensation being made to the owner of such private property by purchase or in such other manner as shall be considered just and reasonable by the laws of this state. Such rules and regulations may relate to the care, preservation, protection, breeding, propagation and disposition of any and all species of wild life therein and the regulation, issuance, sale and revocation of special licenses or special permits for hunting, fishing, camping or other uses of said areas not inconsistent with the terms of this Act, or of other laws of the state now or hereafter applicable thereto. The Department of Conservation may provide for the policing of the lands and waters of such areas in any manner as may be needful for the proper development, use and protection thereof, and of its purpose, and all supervisors, guards, custodians and caretakers assigned to duty in any such project shall have and possess the authority and powers of peace officers while in its employment. All lands within the boundaries of such project shall be subject to such rules and regulations, whether owned by the state or privately, consistently with the rights of such private owners or with the laws of this state now or hereafter applicable thereto; provided, however, that the department may exclude from the operation of such rules or regulations any lands owned by private individuals upon which taxes are delinquent for three years or less. All such rules and regulations shall be published once in the official newspaper of each county affected and shall take effect thirty days after such publication, and shall be, in addition thereto, posted on each of the four corners of each township of each project affected. In the management, operation and control of such areas as may be taken for afforestation, reforestation, flood control projects and wild game and fish reserves, nothing shall be done which will in any manner directly or indirectly obstruct or interfere with the operation of any ditches or drainage systems existing or in such areas, or shall anything be done which will in any manner directly or indirectly damage or destroy any of the existing roads or highways within said areas or projects, unless such ditches, drainage systems, roads or highways be first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged. Each such area or project shall contribute from the funds and moneys of the project, in proportion of the State Land Fund to the project for the construction, maintenance or refinance of such roads and highways as may be necessary within such areas and projects in order to give the settlers therein and owners of privately owned lands to their free use and enjoyment. Each of such areas is hereby transferred to the Department of Conservation and its successors may construct and maintain such roads and highways within |
such areas and projects as it may deem necessary. (Act Apr. 22, 1933, c. 403, §3.)

Department of conservation may make sales of dead and down timber on tax reverted lands within Red Lake National Wildlife Refuge or other lands within the boundaries of any incorporated city or village, and such sales of timber on other tax reverted lands are made by county auditor subject to certain rights of former owners. Op. Atty. Gen. (700d-11), Aug. 16, 1938.

4081-78. Proceeds to be paid into state treasury. — The proceeds of all certificates of indebtedness issued under the provisions of this Act, all moneys received from the operation, development, management and use of such projects, including fees received from the sale of all birds, animals, fish and flora therefrom and the sale of all lands and timber thereon owned by the state within such area, other than University, school, swamp, indemnity or institutional lands, and state forests set apart pursuant to Article 8, Section 7, of the Constitution, and state lands acquired under the system of Rural Credits, and all moneys which may hereafter be transferred thereto under any law of this State shall be paid into the State Treasury and credited to the project to which the same pertains and same are hereby annually appropriated for the purposes thereof; provided, that the proceeds of the project created by this Act shall never exceed the percentage of bonds issued to or for the benefit of such county and placed in the ‘Ditch Bond Fund’ and said moneys shall be credited to the proper ditch fund established by the owners of lands heretofore and hereafter assessed for benefits of ditches, for which cause the state shall be subrogated to all title, right, interest or lien of said county in or on the lands so certified within said projects.

4081-79. County auditors to certify tax delinquent lands for practical purposes after the approval of and acceptance of any such project, the county auditor of each county in which the same is situated shall certify to the State Auditor a list of all lands within the boundaries of any such project, except lands lying within the boundaries of any incorporated city or village, upon which taxes are delinquent for three years or more, which have been bid in for the State at any delinquent tax sale heretofore or hereafter held in the nonpayment of taxes, and which have not been redeemed or assigned to any actual purchaser, and which certificates shall contain the following information:

(A) The legal description of each parcel of such land.

(B) The name and number of the ditch and the amount of the principal and interest of each delinquent drainage assessment as it appears on the tax books of said county for all years prior to the due date of such certificate against each such parcel of land, together with interest thereon at six per cent per annum since the due date of each said installment; provided, however, that such certificate shall not contain the delinquent drainage assessment installations included in any certificate thereto previously furloughed.

Whenever the delinquent drainage assessment installment on any such parcel of land included in any such certificate of the county auditor is redeemed, paid, or assigned to any person, the County Auditor shall forthwith report the same to the State Auditor, and the County Treasurer shall forthwith remit to the State Treasurer the amount so paid in the County Treasury on account of any such delinquent drainage assessment installment or installments.

Forthwith upon the approval and acceptance of any such project and thereafter, after each distribution has been made of the tax collections for the June and November tax settlements, such county auditor shall certify to the State Auditor the following information relating to lands issued to finance or refinance public drainage ditches lying wholly or partly within such projects, and the collection of assessments levied on account of such ditches:

(F) The amount of principal and interest to be paid on said ditch, not already paid and credited to the state treasurer as provided in this Act.

(G) The amount of moneys collected from such drainage assessments and credited to the funds of such ditches, not already paid and credited to the state treasurer as provided in this Act.

(H) The amount of the deficit in the ditch fund of said county chargeable to said ditches.

Forthwith upon the approval of such certificate of the county auditor by the state auditor he shall draw a warrant or warrants on the State Treasurer, payable out of the Fund herein provided for and transmit the same to the County Treasurer of said county, and said moneys shall be credited to the proper ditch fund in the ‘Ditch Bond Fund’ of said county, which is hereby created, and shall be used to pay the ditch bonded indebtedness of said county assumed by the state under this Act and for no other purpose; provided, further, that the total amount of such warrants to be paid by the State Auditor shall not exceed in any one year the total amount of the deficit hereinafter provided for under subdivision ‘H’ of this section.

The state shall be subrogated to all title, right, interest or lien of said county in or on the lands so certified within said projects.

As to all public drainage ditches which lie wholly within any such project, the maximum amount of money which shall be paid to or for the benefit of said county shall never exceed the principal and interest of the bonds issued to finance or refinance any such ditch outstanding at the time of the passage and approval of this Act, and all moneys on hand in the county ditch fund, the credit of any such ditch, and such liabilities shall be reduced from time to time by the amount of any and all payments of assessments hereafter extended, made by the owners of lands heretofore assessed for benefits of such ditches which lie partly within and partly without the boundaries of any such project, the maximum amount which shall be paid from the fund pertaining to such project to or for the benefit of such county shall never exceed the percentage of bonds issued to finance and refinance any such ditch so outstanding, less moneys on hand in the county ditch fund to the credit of any such ditch at the time of the pas-
sage and approval of this Act, which bears the same purpose to the whole amount of such bonds as the original benefits assessed to the land within such project bear to the original total benefited assessed to the entire system for any such ditch, and such liability shall be reduced from time to time by the payments of all assessments hereafter extended, made by the county or from any such ditch. The State Auditor shall have authority to provide and prescribe the forms for any reports required by this Act to be made to him and to require any further and additional proofs from any officers of any such county which he deems necessary for the proper administration of this Act. (Act Apr. 22, 1933, c. 402, §5.)

4031-80. State auditor to sell certificates of indebtedness.—For the purpose of anticipating the annual revenues of the fund pertaining to any such project, the State Auditor is hereby authorized and directed, upon the acceptance and approval of such project and upon there being certified to him the information relating to bonds contemplated by Section 5 of this Act, to issue and sell certificates of indebtedness in an aggregate sum not exceeding the maximum amount of money available to be paid to such county for the benefit of the project in which such project is located, as described by said Section 5, payable from said fund pertaining to such project, such certificates to be numbered serially and to be of such denominations and bear such dates of issue and of maturity and bear interest at such rate, not to exceed five per centum per annum, as the State Auditor shall determine; provided that none of such certificates of indebtedness shall run beyond the tax settlement dates for the next and for such other amounts as shall be needed for the demands of said fund. The interest and the proceeds of such levies are hereby appropriated and pledged to the payment of the principal and interest of the certificates of indebtedness issued pursuant to this Act. (Act Apr. 22, 1933, c. 402, §7.)

4031-82. Lands to be held by state in fee.—The title to all parcels of land lying within any such project, except lands lying within the boundaries of any incorporated city or village, which shall be acquired by the state under the provisions of Laws 1927, Chapter 119 ($22319 to 2139-5), or any amendments thereof, shall be held by the state free from any trust in favor of the state of Minnesota, shall be deemed “authorized securities” within the provisions of General Statutes 1923, Section 7714, and Acts amendatory thereof or supplementary thereto. (Act Apr. 22, 1933, c. 402, §8.)

4031-83. State auditor to certify list to department of conservation.—Upon receipt by the State Auditor of the reports of the county auditor specified in Section 5 hereof, he shall certify a copy thereof to the Department of Conservation which shall classify all such lands as to their suitability for agriculture or for afforestation, reforestation, or for the purposes of supplying, controlling, and regulating the waters of meandered lakes and flow of natural streams, or for other public state purposes; and after the title to any such land has been acquired by the state in the manner herein provided, such lands may be reclassified from time to time. All such lands which become the absolute property of the state under the provisions of this Act which have been classified as suitable for agriculture, and timber from any lands so acquired, shall be sold to private individuals for suit in connection with the operation, control, development or use of any or all such projects. (Act Apr. 22, 1933, c. 402, §9.)

4031-84. Department of conservation to receive gifts or bequests in behalf of the state.—The Department of Conservation is hereby authorized and empowered to receive for and in behalf of the state, and to make suitable acknowledgment thereof, any gift, bequest, devise or grant of land or interests in lands in any such project, or of money or personal property of any kind, which it may deem suitable for use in connection with the operation, control, development or use of any or all such projects. (Act Apr. 22, 1933, c. 402, §10.)

4031-85. Department shall have right of eminent domain.—The Department of Conservation is hereby authorized and empowered to acquire by exercise of the right of eminent domain, which right is hereby given to it, to be exercised in the manner provided in General Statutes 1923, Chapter 41 [same in Mason’s Statutes 1927], and any amendments thereof, or by purchase, any privately owned lands or interests in lands within the boundaries of any such project which said department shall deem necessary for State ownership, use or development for the purposes of this Act, and any such original or acquired land shall not be used for the purposes specified in this section until and unless such department and the State auditor shall have determined that such moneys will not be required to meet the regulations of the counties authorized under Section 5 of this Act or for the payment of certificates of indebtedness and interest thereon herein provided for. (Act Apr. 22, 1933, c. 402, §11.)
4031-86. County may assume bonds.—Any county wherein any such project or portion thereof is located, may voluntarily assume in the manner hereinafter specified the obligation to pay that portion of the principal and interest of the bonds issued before the approval and acceptance of such project and remaining unpaid at maturity, of any school district or township situated in said county and wholly or partly lying within said project, which portion bears the same proportion to the whole of said unpaid principal and interest as the last assessed valuation, prior to the acceptance of said project, to the total assessed valuation for the same year of such school district or township. Such assumption shall be evidenced by the state auditor pursuant to this Act in such school districts or townships bears to the total assessed valuation for the same year of such school district or township. The proceeds of such taxes or bonds shall be paid over by the county treasurer to the treasurer of the county therefor, or shall issue its bonds to raise such county as may be sufficient to pay in full each of said bonds as each may become due. In the event that any such county shall fail or neglect so to adopt and certify such resolution, the state auditor shall withhold from the payments to be made to such county under the provisions of Section 3 of this Act, a sum equal to that portion of the principal and interest of such outstanding bonds which bears the same proportion to the whole thereof as the above determined assessed valuation of lands acquired by the state within such project bears to the total assessed valuation for the same year of such school district or township. The proceeds of such taxes or bonds shall be paid over by the county treasurer to the treasurer of the county therefor, or shall issue its bonds to raise such county as may be sufficient to pay in full each of said bonds as each may become due. In the event that any such bonds remain unpaid at maturity, upon the demand of the governing body of such school district or township, or the holder of any such bond provide for the payment of the portion thereof so assumed, and such county shall levy general taxes on all the taxable property of the county therefor, or shall issue its bonds to raise such county as may be sufficient to pay in full each of said bonds as each may become due. In the event that any such county shall fail or neglect so to adopt and certify such resolution, the state auditor shall withhold from the payments to be made to said county under the provisions of Section 3 of this Act, a sum equal to that portion of the principal and interest of such outstanding bonds which bears the same proportion to the whole thereof as the above determined assessed valuation of lands acquired by the state within such project bears to the total assessed valuation for the same year of such school district or township. The proceeds of such taxes or bonds shall be paid over by the county treasurer to the treasurer of the county therefor, or shall issue its bonds to raise such county as may be sufficient to pay in full each of said bonds as each may become due. In the event that any such bonds remain unpaid at maturity, upon the demand of the governing body of such school district or township, or the holder of any such bond, the state auditor shall issue to the treasurer of such school district or township a warrant on the state treasurer for that portion of such past due principal and interest computed as in the case of the county's liability hereinbefore authorized to be voluntarily assumed. All moneys received by any school district or township pursuant to this section shall be applied to the payment of such past due bonds and interest. (Act Apr. 22, 1933, c. 402, §13.)

4031-87. Violation of rules a misdemeanor.—Any person who within any such project shall wilfully violate or fail to comply with any rule or regulation of the Department of Conservation adopted and promulgated in accordance with the provisions of this Act shall be deemed guilty of a misdemeanor. (Act Apr. 22, 1933, c. 402, §13.)

4031-88. Provisions separable.—This Act shall be held unconstitutional only in the event that some major provisions of the Act are found unconstitutional and invalid that would make the Act unworkable. If any minor provisions of this Act are held unconstitutional it shall in no way affect or invalidate any other provision or part thereof; and this Act shall be deemed workable if Section 5 thereof is constitutional. (Act Apr. 22, 1933, c. 402, §14.)

PUBLIC ASSISTANCE IN TREE PLANTING

4031-89. Assistance in tree planting.—The Agricultural Extension Department of the University of Minnesota is hereby authorized and directed to cooperate with the Secretary of Agriculture of the United States in providing assistance in tree planting to owners of land by the procurement of forest tree planting stock, not including fruit or ornamental trees, shrubs or plants, and in the distribution to planters of such forest tree planting stock at cost, plus transportation and administrative charges, as such planting stock so distributed shall be used for the purpose of establishing windbreaks, shelterbelts and farm woodlots upon denuded or nonforested lands and for protecting farm buildings, crops, and fields from wind erosion, and for furnishing forest cover beneficial to water conservation and bird life. (Act Apr. 21, 1939, c. 385, §1.)

4031-90. Number of trees.—Not less than 1000 trees shall be sold for an individual planting; no trees may be resold by the succeeding purchasers. The term for planting stock so sold shall be considered to mean one or two year old seedling stock of deciduous trees and 2-2 or 3-2 coniferous trees customarily used for the purposes mentioned above, and such other specifications as may be necessary to ensure successful growth. (Act Apr. 21, 1939, c. 385, §2.)

4031-91. Home grown trees given preference.—In all purchases of forest planting stock under the provisions of this Act, preference shall be given to trees grown in this state by duly inspected Minnesota nurseries, and such purchases shall be paid for out of the fund hereinafter created and accrued thereto from sale of trees purchased. If suitable stock for this purpose cannot be obtained from Minnesota nurseries, it will be permissible to secure such nursery stock from nurseries outside this state. All moneys received from the sale of such nursery stock in the State Tree Fund, which said fund is hereby created. (Act Apr. 21, 1939, c. 385, §3.)

4031-92. Appropriation.—The sum of $2,500 for the fiscal year ending June 30, 1940, and the sum of $2,500 for the fiscal year ending June 30, 1941, is hereby appropriated for the payment of the expenses for the carrying out the provisions of this Act. Such funds, together with any funds received from the United States Government for tree planting aid, under the Clark-McNary Act or other acts, shall be placed in the State Tree Fund and shall be expended only as herein previously stated under the direction of the Extension Department of the University of Minnesota. (Act Apr. 21, 1939, c. 385, §4.)

CHAPTER 23

Department of Labor and Industries

INDUSTRIAL COMMISSION


4031. Secretary—Salary—Duties. Salary of secretary placed at maximum of 13600 may be fixed under Laws 1939, c. 291, §37, at $8000, notwithstanding that the amount which he was receiving at the time of his appointment under the Clark-McNary Act or other acts, shall be placed in the State Tree Fund and shall be expended only as herein previously stated under the direction of the Extension Department of the University of Minnesota. (Act Apr. 21, 1939, c. 385, §5.)

4031-91, cited, provides that the act shall take effect from its passage.