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Containing the text of the acts of the 1941 Session 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 Law Review Articles and digest of all common law decisions.

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record of the work performed, and shall appoint, designate or employ such officers, inspectors and employees as may be deemed necessary and fix their compensation. (As amended Act Apr. 10, 1941, c. 197, §2.)

NOXIOUS BUSHES AND WEEDS

6153. Occupants or owners of land to destroy noxious weeds.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

6155. Destruction of noxious weeds on public highways.

Landowners cannot be compelled to mow grass and weeds on township roads, law being limited to noxious weeds. Op. Atty. Gen. (322g), Feb. 26, 1941.

6157. Local weed inspectors.

Township weed inspector has no jurisdiction to take action regarding noxious weeds within limits of a village separated from township for local government and assessment purposes. Op. Atty. Gen. (322f), July 30, 1940.

6161. Notices—Expenses—Lien.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

A weed lien is good as against mortgagee who subsequently obtained possession of the land. Op. Atty. Gen., (322a-2), Nov. 7, 1939.

Charges are enforceable against land and not against owner personally. Op. Atty. Gen., (322G), Jan. 17, 1940.

Officer rendering service in destroying weeds on land within a village should furnish statement of expenses to clerk, who should thereafter issue an order for payment and should certify amount thereof to county auditor for extension on tax books. Id.

Officer rendering service in destroying weeds in a township outside of an incorporated village should file a verified statement of his expenses with county auditor, and that officer should pay him amount thereof, and thereafter extend it on tax books as a lien against land. Id.

Residence or non-residence of land owner is immaterial. Id.

This section gives no right to a lien for weeds destroyed pursuant to §6164-4 to §6164-11. Op. Atty. Gen., (322g), Jan. 31, 1940.

6164-9. Expenses to be paid from fund provided—Territory within a municipality.

County board may not furnish chlorate to farmers for the control of Jenny. Op. Atty. Gen., (322G), August 1, 1939.

(a.) Such time as a state inspector devotes to supervising administration upon any particular tract of land should properly be considered a part of "field operation", but there should not be any reimbursement for salaries of state inspectors engaged only in general administration of the law. Op. Atty. Gen., (322a-2), April 1, 1940.

(c.) Municipality is not entitled to reimbursement by way of a lien upon the land. Op. Atty. Gen., (322g), Jan. 31, 1940.

WHOLESALE PRODUCE DEALERS

6240-18½. Dealers at wholesale.—For the purposes of this act any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of resale, or who shall handle on account of or as an agent for another, any produce as herein defined, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale; provided that co-operative associations having not more than forty per cent (40%) of non-member patrons shall not be deemed dealers at wholesale within the

meaning of this Act; provided further, that no person shall be deemed a dealer at wholesale within this act who purchases, and pays, in cash, in full at the time of purchase, Minnesota seasonal grown products of the farm, orchard, vineyard, garden and apiary for transportation to destinations outside of this state and who within 72 hours thereafter transports the same to its destination outside of this state. (As amended Act Apr. 19, 1941, c. 318, §1.)

Act Apr. 19, 1941, c. 318, §2, provides that the provisions of this act shall be separable, and if any provision or the application of any provision hereof shall be held unconstitutional, or invalid, it shall not affect any other provision or application thereof.

Every wholesale ice cream manufacturer is required to comply with conditions of act, secure license and file bond, notwithstanding that they do not deal directly with producer but obtain cream from Twin City Milk Producers Association. Op. Atty. Gen., (832J-2), March 18, 1940.

6240-18½ a. Definitions.

Oysters are "fish". Op. Atty. Gen., (832J-3), March 12, 1940.

6240-18½ c. Licenses—Fees—Bonds.

(d.)

Wholesale Produce Dealers' License fees received with applications for licenses which were not received for any reason may not be refunded. Op. Atty. Gen. (196S), Jan. 13, 1941.

6240-18½ e. Aggrieved parties may file complaint with commissioner.

Where at time of filing of complaint due date of some items antedated filing by a sufficient time to render them uncollectible in the proceedings, and thereafter an arrangement was made whereby produce dealer made a number of payments without any agreement as to application thereof, creditor could apply payments to the uncollectible items, and bondsman could not complain thereof though it had no notice of the filing of the complaint. Op. Atty. Gen., (832k-3), Oct. 24, 1939.

A person who sells oysters to a licensed wholesale produce dealer is protected by bond. Op. Atty. Gen., (832j-3), March 12, 1940.

6240-18½ f. Commissioner to establish grades.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates, though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

6240-18½ n. May co-operate with the United States department of agriculture.

Commissioner of Agriculture may enter into a cooperative agreement with United States Department of Agriculture whereby inspectors of state department are licensed by United States department to inspect and grade and issue federal, or federal-state grading certificates though fees covering grading certificates are collected and paid directly into federal treasury, which in turn refunds state portion of grading fees to state treasury, subject to approval of attorney general. Op. Atty. Gen. (136), Sept. 5, 1940.

6240-18½ o. Violations—Penalties.

Fines collected under this act should be paid to county treasurer. Op. Atty. Gen. (135a-4), Nov. 26, 1940.

DISCRIMINATION IN PURCHASE OF FARM PRODUCTS

6248-3. Discrimination prohibited.

Act is still valid with respect to those cases where cost of transportation can be ascertained with reasonable certainty. Op. Atty. Gen. (135a-3), Jan. 4, 1941.

CHAPTER 39

Bounties and Rewards

6249. For timber growing—Appropriation.—Every person who shall plant one acre or more of land with forest trees of any kind other than black locust, and shall keep such trees growing in a thrifty condition, and not more than twelve feet apart either way, replacing yearly such as may die, or who shall

maintain and manage an existing stand of timber on one acre or more of land, the owner residing thereon, such stand of timber shall not be less than 600 forest trees per acre, well spaced, shall receive from the state two dollars and fifty cents per acre therefor for six successive years, not exceeding, however, twenty-

five dollars in any one year. This section shall not apply to any railway company, to any person who has already received such compensation, nor to any person planting trees in compliance with an act of Congress approved March 3, 1873, relating to the growth of timber on western prairies, or any act

amendatory thereof. The sum of \$2,500 for the fiscal year ending June 30, 1942, and the sum of \$2,500 for the fiscal year ending June 30, 1943, is hereby appropriated for the purposes of making such payments. (As amended Act Apr. 22, 1941, c. 365, §1.)

CHAPTER 40

Public Lands

SALES BY AUDITOR [DEPARTMENT OF CONSERVATION]

6261. School lands—Price.

Transfer state owned lands between state departments authorized. Laws 1941, c. 387.

6262. University lands—Minimum price.

Administration of university permanent trust fund lands by Department of Conservation may not be transferred to the university under existing law. Op. Atty. Gen. (618a-2), Feb. 17, 1941.

6267. Terms of payment—Interest—Separate appraisal of buildings—Default—Improvements.—

Subdivision 1. The terms of payment on the sale of all state public lands shall be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber. At least 15 per cent of the purchase price of the land exclusive of timber shall be paid in cash at the time of sale and the balance in not to exceed 20 equal annual installments, payable on June 1 each year following that in which the purchase was made, with interest at four per cent per annum on the balances remaining from time to time unpaid, payable with the installments or principal. Any installment of principal or interest may be paid in advance, but part payment of an installment shall not be accepted, and for the purpose of computing interest any installment of principal not paid on June 1 shall be credited as of June 1 next following.

Subdivision 2. In case there are any buildings or other improvements upon the land the value thereof shall be appraised separately and included in the purchase price. No person shall remove, injure, or destroy any such building or other improvement until an amount equal to such appraised value has been paid on the purchase price of the premises, in addition to the payment required for timber, if any. Violation of this provision shall be a gross misdemeanor.

Subdivision 3. Failure to make any payment required under any certificate of sale within 60 days from the date on which such payment becomes due shall constitute default, and thereupon the certificate of sale shall be deemed cancelled, and all right, title, and interest of the purchaser, his heirs, representatives, or assigns in the premises shall terminate without the doing by the state of any act or thing whatsoever. A record of such default shall be made in the state land records kept by or under the direction of the commissioner of conservation, and a certificate of such default may be made by or under the direction of the commissioner and filed with the county treasurer or recorded in the office of the register of deeds of the county in which the premises are situated. Any such record or certificate shall be prima facie evidence of the facts therein stated, but the making of such record or certificate shall not be essential to the taking effect of such cancellation and termination. The provisions of this subdivision shall not apply to any sale made before May 1, 1941.

Subdivision 4. If there are any improvements upon the land made by one who, in the opinion of the commissioner of conservation, settled upon the land in good faith, believing it to be land subject to homestead entry under the laws of the United States, and

such settlement was made before the land was certified to the state, or if the improvements were made in good faith by a lessee of the state under a proper permit or other lawful authority, the value of such improvements shall be appraised separately, and if at the sale of such land such settler or lessee shall be the purchaser, he shall not be required to pay for such improvements. If a person other than such settler or lessee shall purchase the land, such purchaser shall pay to the state at the time of the sale, in addition to all other required payments, the full amount for which the improvements were appraised, and the amount so received by the state for such improvements shall be paid over to such settler or lessee, his heirs, representatives or assigns, by warrant drawn by the state auditor upon the state treasurer. All amounts received for such improvements are hereby appropriated for making such payments. The provisions of this subdivision shall not apply unless the person seeking the benefit thereof shall make a verified application to the commissioner of conservation, showing that he is entitled thereto, before the first state public sale at which the land is offered for sale, and shall appear at such sale and offer to purchase the land for at least the appraised value thereof and all timber thereon, and make such purchase if no higher bid be received, nor unless all actions or other proceedings involving the land in question instituted prior to the sale shall have been determined. (As amended Act Apr. 22, 1941, c. 374, §2.)

6277. Appraisal of school or other state lands—Appointment of appraisers—Appraisals—Sales.—

Subdivision 1. Whenever in the opinion of the commissioner of conservation it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall designate therefor one or more of the regularly appointed and qualified state appraisers. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the state lands to be appraised or the timber or improvements thereon or in the purchase thereof, and has entered into no combination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal.

Subdivision 2. The appraiser, after taking oath of office, shall proceed to view and appraise such lands and the timber and improvements thereon and make a report thereof to the commissioner of conservation as he may direct. The valuation of such lands and the timber and improvements thereon shall each be made and stated separately in the appraisal, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than \$5.00 per acre.

Subdivision 3. The commissioner of conservation shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house in the county in which the sale is to take place at least 30