

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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The title of Act Apr. 25, 1931, c. 382, set forth herein as §§3996-29 to 3996-35, is as follows: "An act creating a securities commission, prescribing the members thereof, defining the duties and powers of such members and fixing their salaries, providing certain regulations as to securities under the jurisdiction of said securities commission, transferring all rights, powers and duties now vested in the commissioner of securities under sections 3997, 3998 and 3999, Mason's Minnesota Statutes for 1927, and repealing 'inconsistent laws.'" This title seems rather unsuited to the provisions incorporated into the bill as enacted.

Sections 1 and 2 of this act are unconstitutional for not being expressed in the title of the act. Op. Atty. Gen., July 17, 1931.

§3996-30. Bureau of criminal apprehension to assist securities commission.—The bureau of criminal apprehension shall be at the service of the division of securities under the department of commerce and at the service of the assistant attorney general designated as attorney for the division of securities for the purpose of detecting and apprehending violators of the securities laws of the state and gathering evidence and otherwise aiding in the prosecution of such violators.

At the request of the commissioner of securities or of said assistant attorney general, the county attorney of the county in which any violation of the securities laws of the state occur shall commence and conduct criminal prosecutions.

Upon request of any county attorney, the commissioner of securities and said assistant attorney general shall give assistance in any criminal prosecution for the violation of the securities laws. (Act Apr. 25, 1931, c. 382, §2.)

Unconstitutional. See notes under §3996-29.

§3996-31. Brokers or agents to report sales.—The department of commerce may at any time or times require any issuer, broker or agent to report to the department of commerce all sales of any specified security registered or required to be registered under the securities law. Such reports shall be made within ten (10) days after demand therefor by the department of commerce and shall be open for inspection only to public authorities and then only upon a court order. Any person who shall make known in any manner not provided by law any information contained in such reports shall be guilty of a gross misdemeanor. (Act Apr. 25, 1931, c. 382, §3.)

§3996-32. Notice to be printed on circular.—Every circular, prospectus, advertisement, printed matter, document, pamphlet, leaflet or other matter containing or constituting an offer to sell securities registered by application shall have either printed or stamped on the face thereof in not less than ten point, red bold-faced type the following (except that

in case of newspaper and other advertising in publications of general circulation, other coloring may be used):

NOTICE: While the laws of the State of Minnesota permit the sale of the securities herein described such legal permission does not mean that the State of Minnesota guarantees the success of the enterprise covered by such securities. (Act Apr. 25, 1931, c. 382, §4.)

Notice provided for in this section must be printed in each and every individual advertisement appearing in the newspaper. Op. Atty. Gen., July 11, 1931.

§3996-33. Notice to be printed on stock certificate.—Each and every stock certificate, bond or other investment instrument, licensed and issued under the provisions of this Act shall, upon delivery and sale, be accompanied by a certificate on the face of which the following shall appear:

NOTICE: While the laws of the State of Minnesota permit the sale of the attached securities such legal permission does not mean that the State of Minnesota guarantees the success of the enterprise covered by such securities.

The failure on the part of any vendor of such stock certificate, bond or other investment instrument, licensed and issued under the provisions of this Act to attach to such certificate, bond or investment instrument the notice herein prescribed shall constitute a misdemeanor and be punished accordingly. (Act Apr. 25, 1931, c. 382, §5.)

§3996-34. Inconsistent acts repealed.—All acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified or amended to conform to and give full force and effect to the provisions of this act. (Act Apr. 25, 1931, c. 382, §6.)

§3996-35. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1, 1931. (Act Apr. 25, 1931, c. 382, §7.)

§3997-1. Department of Commerce need not give notice in certain cases.—That the Department of Commerce of this State may, at its discretion, dispense with the notice and hearing provided for by General Statutes 1923, Section 3997, in cases where application is made for the incorporation of a new bank to take over the assets of one or more existing banks, or where the application contemplates the re-organization of a national bank into a state bank in the same locality; Provided this act shall not increase the number of banks in the community affected. (Act Apr. 10, 1929, c. 146.)

CHAPTER 22

Forestry and Forest and Prairie Fires

Laws 1931, c. 186, ante, §§53-23a to 53-23l, creates a new department of conservation, to which is transferred the power of the commissioner of forestry and fire prevention.

FORESTRY ACT

§4031-1. Codification of forestry laws.

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. 176M472, 223NW912.

The subject of chapter 407, Laws 1925, known as the Forestry Act is sufficiently expressed in its title. 176M472, 223NW912.

§4031-6. Same—Officers—State forester—Etc.

In a criminal prosecution before a justice of the peace or in 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.

§4031-11. Cooperation with state highway, etc.

The "fire fund" cannot be used for any other purpose. Op. Atty. Gen., Apr. 24, 1930.

Statutory provisions which permit forestry department to recover for extinguishing fires does not permit the enforcement of such a claim against the state or a political subdivision thereof, though it would be legal for county to recognize a claim for extinguishing a fire which was destroying a road. Op. Atty. Gen., June 16, 1931.

Forester cannot force towns to pay forestry department for the cost of disposing of slashings left along town roads. Op. Atty. Gen., June 16, 1931.

§4031-14a. Commissioner of forestry may accept gifts.—That the Commissioner of forestry and fire prevention, department of conservation, be and he hereby is authorized, on behalf of the State of Minnesota, to accept as gifts to the state the title to any tract of land not exceeding forty acres in area which he deems necessary or convenient for the use of the state as locations for watch towers, warehouses, or other buildings of any kind, or for any other use in connection with his duties as commissioner of forestry and fire prevention. (As amended Apr. 17, 1929, c. 220, §1.)

§4031-14b. Commissioner of forestry may purchase lands.—That said commissioner of forestry and fire prevention, department of conservation, is also authorized, on behalf of the State of Minnesota, to purchase small tracts or parcels of land not exceeding five acres in area, nor costing more than \$50.00 for any single tract, to be used as locations for watch towers, warehouses, or other buildings of any kind, or for any other use in connection with his duties as commissioner of forestry and fire prevention—also to acquire by condemnation any tract of land not exceeding five acres in area 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. (As amended Apr. 17, 1929, c. 220, §2.)

§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 and an alternative jail sentence is imposed in default of payment of the fine, the commitment should so state because the defendant is entitled to pay his fine to the sheriff any time after he is committed, and thereupon be released. Op. Atty. Gen., Feb. 28, 1931.

§4031-19. Forester may require slashings and debris to be disposed of.—Where and

whenever in the judgment of the forester or any district ranger there is or may be danger of starting and spreading of fires from slashings and debris from the cutting of timber of any kind and for any purpose, or from any accumulation of sawdust, shavings, chips bark, edgings, slabs, or other inflammable refuse from the manufacture of lumber or other timber products, the forester or district ranger shall order the person by or for whom the said timber or timber products have been or are being cut or manufactured to dispose of such slashings, debris, or refuse as said state state employe may direct. Where conditions do not permit the burning of the slashings debris or refuse over the entire area so covered, the forester may require such person to dispose of the same in such a way as to establish a safe fire line around the area requiring such protection, the said fire line to be of a width and of a character satisfactory to the forester, or otherwise to dispose of the same so as to eliminate the fire hazard therefrom.

When any person who has been directed by the forester or district rangers to dispose of such slashings, debris, or refuse fails to comply with such directions, 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 forester 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 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 with such force of men as may be necessary and burn or otherwise dispose of the same, and the expense thereof shall be a lien upon the land on which they are situated and upon all contiguous lands of the same owner, and also upon all logs and other timber products cut or manufactured upon all said lands. Such lien shall have the same effect and may be enforced in the same manner as a judgment in favor of the state for money. An itemized statement verified by the oath of the forester or district ranger of the amount of such costs and expenses incurred in burning or otherwise disposing of such slashings, debris, or refuse shall be filed, within ninety days from the time said disposal thereof is completed, in the office of the register of deeds of the county in which said timber or timber products were cut or manufactured; and the amount of such lien shall also be a valid claim that may be collected in a civil action from the person who cut or manufactured the wood, timber, or timber products from which the said slashings, debris, or refuse were produced. Any moneys so collected shall be paid into the state treasury and credited to the forest service fund.

Any person who cuts or fells trees or bushes of any kind in clearing land for any road bed or right-of-way for any railroad,

highway or trail shall in the manner and at the time as above prescribed burn the slashings and all combustible material, except fuel and merchantable timber which shall be promptly removed.

Any person who cuts or fells trees or bushes of any kind in clearing land for any purpose is hereby prohibited from setting fire to the slashings, brush, roots, or excavated stumps or other combustible material on such land and letting the fire run; but the same must be disposed of pursuant to the regulations or directions of the forester.

Any contractor who enters into a contract for the construction of a public road or other work, which involves the cutting or grubbing of woods, standing timber, or brush, shall pile in the middle of the right-of-way all the slashings and debris so cut or grubbed therefrom and shall burn and dispose of such slashings and debris without damage to adjoining timber or woods, which burning shall be done in a manner and at a time satisfactory to the forester; provided, however, that the foregoing provision shall not prevent the leaving of such trees along roads as will be useful for ornamental and shade purposes, and which will not interfere with travel.

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 for compliance with the foregoing provisions, but 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 timber products shall be made or deposited upon any public highway, portage, railroad, or lake shore, or within one hundred feet thereof. (As amended Apr. 24, 1929, c. 360.)

Forester cannot force towns to pay forestry department for the cost of disposing of slashings left along town roads. Op. Atty. Gen., June 16, 1931.

§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. (As amended Apr. 19, 1929, c. 261, §1.)

Burden of proof in action for damages. Questions for jury. 178M271, 226NW932.

§4031-22. Starting fires.

This act does not offend the equality provisions of the Constitution. 176M472, 223NW912.

This act does not offend the equality provisions of the Constitution. 176M472, 223NW912.

§4031-23. Permission to start fires.

This act does not offend the equality provisions of the Constitution. 176M472, 223NW912.

§4031-25. Neglect or refusal to perform duty—penalty.—Every forestry employe of the state who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest, brush or prairie land and leave it unquenched, or be a party thereto, or who shall set fire to brush, stumps, dry grass, field stubble, or other material and fail to extinguish the same before it has endangered the property of another, every person who shall negligently or carelessly set on fire or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof; every person who shall use other than incombustible 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 along any public or private road, trail, path, railroad right of way or road bed, or other public or private way 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 the same immediately; every person who drives upon or over forest lands in a motor vehicle with an open cutout or without a muffler on the exhaust pipe; and every person who shall deface, destroy, or remove any notice posted under this act; shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days and not exceeding ninety days. (As amended Apr. 19, 1929, c. 261, §2.)

§4031-27. Locomotive ash pans and spark arresters.—Subsection (1) * * *

(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 guides; and there shall be no opening greater than 5/16 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 "radial type of hopper bottom," the general design of which shall be approved in

writing by the forester. (As amended Apr. 20, 1931, c. 266, §1.)

* * * *

(c) Openings in ash pans for draught purposes shall be protected by screens bolted firmly and securely over such openings, or by the use of deflector 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 arrestors, as contained in this act. (As amended by Laws 1929, c. 349, which was amended Apr. 20, 1931, c. 266, §2.)

(d) On locomotive engines where there is an opening between ash pan and the foundation ring, protection shall be furnished by flaring the ash pan and bringing the flare up level with the bottom of the foundation ring, and the opening between the bottom of the foundation ring and flare of pan, measured horizontally, shall not be greater than eight (8) inches at any point, provided, however, that for any distance the flare of pan extends above the bottom of foundation ring, the flare may be extended out horizontally an equal distance in excess of eight (8) inches. Or such opening between ash pan and foundation ring may be protected by deflector plates, provided that any deflector plates used for such purposes 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. (As amended by Laws 1929, c. 349, §2, which was amended Apr. 20, 1931, c. 266, §3.)

(e) Openings in ash pans for entry of grate connections must be fully protected; and the openings around the rods where they enter the ash pan must not be greater than 5/16 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. (As amended Apr. 20, 1931, c. 266, §4.)

(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 (5/16) 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 and/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 and 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 (3-3/4) 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. (As amended by Laws 1929, c. 349, §3, which was amended Apr. 20, 1931, c. 266, §5.)

(g) Such ash pans shall be equipped with swipes, injector overflow 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 forester. (As amended Apr. 20, 1931, c. 266, §6.)

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

SQUARE MESH WIRE SCREEN

Mesh per lineal inch in either direction	Least diameter of wire when new	Condemning limit of opening in mesh in either direction
2 1/2 by 2 1/2	0.134 inch	19/64 inch
2 1/2 by 2 3/8	0.134 "	19/64 "
3 by 3	0.105 "	17/64 "
4 by 4	0.092 "	0.204 "
5 by 5	0.072 "	0.164 "
6 by 6	0.063 "	0.1355 "
7 by 7	0.063 "	0.1115 "

Fractional mesh shall not be used except as above specified.

OBLONG MESH WIRE SCREENS

Size of opening in mesh	Least diameter of wire when new	Condemning limit of opening in mesh
3/16 by 3/4 inch	0.134 inch	1/4 by 13/16 inch
1/2 by 3/4 inch	0.134 "	3/16 by 13/16 "

The openings in perforated plates when new shall, be oblong not exceeding 3/16 of an inch in width nor 3/4 of an inch in length, and there shall not be less than 1/8 of an inch in width of plate between the meshes, and such plate shall not be less than 0.085 of an inch in thickness. The condemning limit of the openings in perforated plate shall be 1/4 of an inch in width and 13/16 of an inch in length. (As amended Apr. 20, 1931, c. 266, §7.)

* * * *

(k) Plates used, in the construction or repair of spark arrestors wherever attached, shall not be less than three-sixteenths (3/16) of an inch in thickness.

From and after May 1, 1931, angle irons used in spark arrestors shall be of sections in size not less than one-fourth of an inch by two inches by two inches (1/4"x2"x2"), on all locomotive engines unless otherwise authorized in writing by the Forester. The spacing of rivets, bolts, studs and other fastening devices used in spark arrestors shall not be greater than set forth in the following specifications:

Fastening screens—3-1/2 inches center to center.

Fastening angle irons to smoke arch—8 inches center to center.

Fastening plates—5 inches center to center.

Fastening angle irons to flue sheet—8 inches center to center.

Material used in the construction or repair of spark arrestors 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 and/or steel shall be applied to, laid on, attached to or used in any way in connection with or made a part of spark arrestors except upon written approval of the Forester. No opening anywhere in the spark arrestor device, other than the openings herein specified for wire screen and perforated plate, shall be larger than one-fourth (1/4) of an inch in width. (As amended Apr. 24, 1929, c. 349, §4.)

(1) Devices and appliances differing from those specified in this subsection may be used for experimental purposes only by written permission of the commissioner of forestry and fire prevention during such limited periods and upon such terms and conditions as he may prescribe. Such written permission shall be subject to revocation by the commissioner at any time, and such experimental devices or appliances shall not be permanently adopted unless authorized by law. (Laws 1929, c. 349, §8(1)(1), added Apr. 20, 1931, c. 266, §8.)

Subsection (3) (a) The master mechanic or corresponding employe shall be held responsible for the good condition of the ash pan and spark arrestor device, but without relieving the person owning or operating such locomotive engine from his responsibility hereunder. The word person in this subsection shall not be construed to mean engine crew.

(b) Any locomotive inspector appointed by the forester, is authorized to inspect any locomotive engine operated in the vicinity of forest, brush, peat or grass lands, and to enter upon any property for such purpose 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. Such inspector shall have access to the records of every person operating a railroad for any purpose, and authority 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 locomotive 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 thereof, until the repairs specified by the inspector have been made, except where locomotive is found defective on line it may proceed to the first terminal or point where repairs can be made.

(c) Any violation of the provisions of this subsection shall be a gross misdemeanor; provided, 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. (As amended Apr. 20, 1931, c. 266, §10.)

* * * *

Subsection (6) * * * *

(d) No donkey engine, tractor engine, saw mill engine, threshing engine, steam shovel, railroad ditcher, railroad wrecker, or portable engine or other engine or boiler shall be operated in vicinity of forest, brush, peat or grass lands, and no gas tractor or internal combustion engine shall be operated in the vicinity of peat roads or loose peat lands, after being found defective by such inspector and after notice of such condition has been given to the person in charge thereof, until the repairs specified by the inspector have been made. Any violation of the provisions of this paragraph shall be a gross misdemeanor; provided, that the provisions of this paragraph shall not relieve anyone of any duty or liability under any other provisions of this act or any other statute. (As amended Apr. 20, 1931, c. 266, §11.)

* * * *

Subsection (9) Any person operating a railroad for any purpose shall make written report to the commissioner of forestry and fire prevention, in such form as the commissioner 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 permission of the commissioner; 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. (As amended Apr. 20, 1931, c. 266, §9.)

* * * *

§4031-28. Violations of law—Penalty.

This act does not offend the equality provisions of the Constitution. 176M472, 223NW912.

§4031-30. Appeals in prosecutions—etc.

In a criminal prosecution before a justice of the peace or in 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.

§4031-34. Partial invalidity of law.

Defendant can attack the validity of only those provisions of the act which affect him. 176M472, 223NW912.

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, cutting 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 goose-

berry plants is prohibited for the purpose of protecting the white pines 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 fungous disease caused by *Cronartium ribicola* Fischer. (Act Apr. 17, 1929, c. 218, §1.)

§4031-35 ½ a. Certain diseases declared pests.—The fungous disease commonly known as the white-pine blister-rust, *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 forestry and fire prevention to prosecute the measures hereinafter specified for the control of this pest. (Act Apr. 17, 1929, c. 218, §2.)

§4031-35 ½ b. 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 forthwith 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, §3.)

§4031-35 ½ c. Commissioner of Forestry to promulgate information.—The commissioner is hereby authorized and empowered to promulgate by letter, 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 and cultivated currants and gooseberries or white-pines and no currants or gooseberries shall be planted within such 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 such 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 ½ d. 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, the damages to be assessed by the commissioner or his agent at 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, §5.)

§4031-35 ½ e. 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 ½ f. 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, townships, associations and individuals (in the state generally) 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 ½ g. State inspector of nurseries to have same 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 in the state as is vested in the commissioner and his agents. The expenses necessary for carrying out Section 9 [§4031-35 ½ h] 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 ½ h. Inspector 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 white-pines or any plants of the genera *Ribes* or *Grossularia* 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 ½ i. 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 ½ j. 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 oppor-

tunities 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 reducing 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 game and fish. 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 legal 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 do so 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.)

§4031-35½ k. 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. No act relating to the taking of brook trout hereafter enacted shall be construed as inconsistent herewith 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.)

AFFORESTATION AND REFORESTATION

§4031-65. 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 taxed annually at the rate of 5 cents per acre. Said tax shall be levied and collected and the payment thereof enforced in the same manner as other county taxes and shall be credited to the funds of the taxing districts affected in the proportions of their interests in the taxes on said land if it had not been so made an auxiliary forest. Failure to pay when due any tax so levied shall be cause for cancellation of the contract.

The levy upon the land of the taxes provided for by Section 4, Subdivision (e) [§

4031-63(e)], thereof, upon the cancellation of a contract, shall discharge and annul all unpaid taxes levied or assessed under the provisions of this Subdivision.

(b) Merchantable timber standing or being upon the land at the time it is made into an auxiliary forest shall be taxed separately from the surface as standing timber separately owned is taxed. Minerals, mineral reservations, or any other thing of value under the surface of the land in any auxiliary forest shall not be included within the terms of this act and shall be taxed separately in the same manner as mineral interests or minerals separately owned are taxed.

(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 actually living on the land or immediately adjacent thereto, shall be assessed and shall pay a special state tax of three cents per acre annually for fire protection of such auxiliary forest. Such special tax shall be levied and collected in the same manner as other state taxes, shall be transmitted to and paid into the state treasury intact, and shall there constitute and be a special fund hereby created and designed as the "Auxiliary Forest Fire Fund." All moneys accruing to said fund are hereby appropriated for and made available to the commissioner for fire protection work and shall be used by the commissioner as far as practicable for patrol work and similar protective service pro rata in or about the auxiliary forests created under this act. Failure to pay said tax when due shall be cause for cancellation of the contract.

(d) In determining the assessed value of property within any taxing district the value of the surface of lands within any auxiliary forest therein as determined by the county board under the provisions of Section 3, Subdivision (c) [§4031-62(c)] of this act shall, for all purposes except the levying of taxes on lands within any such forest, be deemed the true and full value thereof." (As amended Apr. 19, 1929, c. 245, §1.)

§4031-73. Commissioner of forestry to establish nurseries.—That the commissioner of forestry and fire prevention, be, and he hereby is, authorized to establish, maintain and operate nurseries for the production of forest tree planting stock in this state. Such nurseries may be established at such place, as will in the judgment of said commissioner best promote the purpose of this act; but at no time shall any indebtedness be created hereunder beyond the limits of 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 coniferous 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.