

appropriated, to said commission for the purpose of carrying out the provisions of this act. The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses and all incidental expenses of said commission in carrying out the provisions of this act shall be paid on order of the commission from such appropriation, but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided.

Approved April 23, 1937.

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CHAPTER 368—H. F. No. 324

*An act to amend Mason's Minnesota Statutes of 1927, Sections 6394-3, 6394-8, Paragraph (a) and 6394-17, relating to the sale of state timber.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—That Section 6394-3, be and the same is hereby amended so as to read as follows:

“Section 6394-3. **Trespass on state lands—damages.—possession of timber unlawfully cut—trespass as felony.**—Whoever, without valid permit, shall cut any timber upon the lands owned by this state, or remove or carry away any such timber or any other property belonging or appertaining to said lands, or shall commit any other trespass upon said lands, or shall induce or assist another so to do, shall be liable in an action brought by the state in treble damages, if such trespass is adjudged to have been wilful, but in double damages only if such trespass is adjudged to have been casual and involuntary. And any person found to have acquired possession in any manner whatsoever of any timber unlawfully cut on lands owned by this state shall be conclusively presumed to have acquired such timber with knowledge that the same was so unlawfully cut, and shall be liable to the state in a civil action for twice the value thereof, and it shall be no defense in any action to plead or claim a purchase of such timber from anyone other than the *director of the division of forestry, department of conservation*, nor shall such defendant be allowed to claim that any other person should be joined as defendant; and he shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in preparing such timber for market or transporting the same to or towards market. And every such trespass wilfully committed shall be deemed a felony.”

Section 2. **Law amended.**—That section 6394-8, Paragraph (a), be and the same is hereby amended so as to read as follows:

“Section 6394-8. **Board of timber commissioners—powers enumerated.**—(a) Determine the number of sections or fractional sections of land to be covered by or described in any one report by state appraisers, or in any one timber permit issued to the purchaser of stumpage on state lands, or in any one contract or other instrument relating thereto and within the jurisdiction of the board; and grant extensions of such timber permits and contracts, whether heretofore or hereafter issued, for and during such period as the board deems advisable, but otherwise subject to all the provisions of this act. But a condition of any extension shall be that the purchaser shall pay to the state, *before any such extension is granted*, interest at the rate of *six per cent (6%)* per annum on the unpaid purchase price, as finally computed on the actual scale or count of such timber at the time of cutting thereof, or if not cut then upon the official estimate thereof. No permit shall be extended more than six years from the date of issuance thereof.”

Section 3. **Law amended.**—That Section 6394-17, be and the same is hereby amended so as to read as follows:

“Section 6394-17. **Permits to purchasers to cut and remove timber.**—Upon the delivery and filing of the duplicate receipts mentioned in the preceding section, *the director of the division of forestry, department of conservation*, shall issue a numbered permit to such purchaser, in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this act. Such permit shall be correctly dated and executed by *the director of the division of forestry, department of conservation*, and signed by the purchaser. Such permit shall cover one or more logging seasons as the timber board shall specify, and the timber shall be cut and removed within the time specified therein. No permit shall be issued to any person other than the purchaser in whose name the bid was made. The permit shall state the amount of timber estimated to be thereon, the estimated value thereof, and the price at which it is sold per thousand feet, per cord, per piece, or by whatever description sold, and shall specify the state marks to be used thereon. Such marks shall be M I N and the permit number. The permit shall provide that the purchaser shall plainly place the specified marks upon the end of every piece of timber cut, and that, in case of any failure to place said marks upon any such piece, the state shall have the right to take possession of the same wherever found. The permit may provide that the purchaser or permit holder may place his own mark upon timber cut under such permit only after the state marks shall have been first plainly

placed thereon; but no such mark of the purchaser shall in any way encroach upon, obliterate or obscure the state marks or any part thereof; nor shall any figure be used by the purchaser as his mark or any part thereof. The permit shall contain such other provisions as may be necessary to secure to the state the title of all timber cut thereunder, wherever found, until full payment therefor, and until all provisions of the permit have been fully complied with. The permit shall provide that from the date the same becomes effective until the expiration thereof (including all extensions) the purchaser and his successors in interest shall be liable to the state for the full permit price of all timber covered thereby, notwithstanding and regardless of any subsequent damage or injury thereto or trespass thereon or theft thereof, and without prejudice to the right of the state to pursue such timber and recover the value thereof anywhere prior to payment therefor in full to the state. But upon recovery from any person other than the permit holder, the latter shall be deemed released to the extent of the net amount (after deducting all expenses of collecting same) recovered by the state from such other person. The permit shall also provide that all timber standing on the land and sold shall be cut; that the same shall be cut clean without damage to other timber; that the purchaser shall remove all timber authorized to be cut under the permit; that timber sold by board measure but later determined by *the director of the division of forestry, department of conservation*, not to be convertible into board measure may be charged for (and shall be paid for) by the piece according to the size, species, or value of each piece or cord, as may be determined by the timber board; that the purchaser shall pay to the state the permit price for all timber authorized to be cut, including timber which he fails to cut and remove, together with all fees of the surveyor general for scaling same; that the purchaser shall notify the surveyor general and also *the director of the division of forestry, department of conservation, by registered letter*, at least fifteen days before any cutting is done, at which time such cutting will begin, and at least fifteen days before any timber is removed from the land, at what date such removal will begin. *Provided further that the purchaser shall notify the director of the division of forestry, department of conservation, by registered mail, that such cutting is completed for that season, not later than fifteen days after he has completed cutting for the season.*

The permit shall provide that the purchaser shall make a report in writing to *the director of the division of forestry, department of conservation* under oath, enumerating and stating the amounts of timber cut under such permit; the kinds of timber removed and the amounts of each in board feet, per piece, in cords, or any other dimension, in the manner and forthwith whenever so required by *the director of the division of forestry, department of conservation*. Any false return or report made to *the director of the division of*

*forestry, department of conservation*, by any such purchaser or permit holder, or by any one representing him, shall constitute a gross misdemeanor.

The permit shall provide that *the director of the division of forestry, department of conservation*, shall have power to order suspension of all operations under the permit at any time, and any timber cut or removed during such suspension is hereby declared to be cut in trespass. The permit shall further provide that the timber board may cancel the permit at any time when in its judgment the conditions thereof have not been complied with, and such cancellation shall constitute repossession of the timber by the state. The purchaser shall remove his equipment from such land within ninety days thereafter. The permit shall further provide that if the purchaser at any time fails to pay any obligations to the state under all or any other permits, then any or all his permits may be cancelled. The permits shall also provide that any timber removed in violation of the terms of the permit or of any law shall constitute trespass. A provision shall be contained in the permit that the statute of limitations shall not prevent the bringing of any action or proceeding, either civil or criminal, growing out of any violation of any provision of this act, and no statute of limitations shall so operate. The permit shall provide that the purchaser and his successors in interest shall burn or otherwise dispose of all slashings, or other refuse resulting from cutting operations, in the manner now or hereafter provided by law. The permit shall further provide that at any time the state may bring an action or suit to restrain, enjoin, and prohibit the further cutting or removal of timber or the further entry of the permit holder or his representatives upon any of the lands covered by the permit, whenever in the opinion of the attorney general any of the terms of the permit are being or have been violated, which suit shall be without prejudice to any other action or proceeding on behalf of the state.

Any permit failing to conform to the requirements of this section shall be void on its face. All permits shall be filed for record with *the director of the division of forestry, department of conservation*. The timber board, state forester, attorney general and *director of the division of forestry, department of conservation*, or any of them, are hereby specifically empowered to enforce all provisions and all conditions contained in any timber permit executed pursuant to the provisions of this act."

Approved April 23, 1937.

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CHAPTER 369—H. F. No. 325

*An act to amend Mason's Minnesota Statutes of 1927, Section 6356, relating to bond and duties of appraisers.*