

mobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or the occupants thereof, or shall, while such motor vehicle is at rest and unattended, attempt to manipulate any of the levers, starting *devices*, brakes or machinery thereof, or set such *motor* vehicle in motion, or otherwise damage or interfere with the same, or shall place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure *automobile* tires, shall be guilty of a misdemeanor."

Approved March 31, 1939.

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CHAPTER 120—H. F. No. 274

*An act to amend Mason's Minnesota Statutes of 1927, Section 6394-18, relating to bond in the sale of state timber.*

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

**Section 1. Surety bonds to be given by timber purchasers.**

—That Mason's Minnesota Statutes of 1927, Section 6394-18 be amended to read as follows:

"6394-18. *Except as otherwise provided by law, the purchaser of any state timber, before any timber permit to him shall become effective for any purpose, shall within ninety days from the date of purchase give a good and valid bond to the state of Minnesota in double the value of all timber covered or to be covered by said permit, as shown by the sale price bid therefor and the record of appraisal thereof as to quantity, which bond shall be conditioned for and upon the faithful performance by said purchaser and his successors in interest of all the terms and conditions of said permit and all requirements of law in respect to such sales; and said bond shall be approved in writing by the commissioner of conservation and filed for record in the office of the director of the division of forestry. No person directly or indirectly interested, in law or in equity, in the purchase of said timber shall be accepted as a surety on such bond.*

In case of default in payment by the permit holder, the surety upon his bond may make payment in full to the state of all sums of money due under such permit; and thereupon such surety or sureties shall be deemed immediately subrogated to all the rights of the state in, or to, or in respect of, all the timber so paid for; and such subrogated party may

pursue said timber and recover therefor, or have any other appropriate relief in relation thereto, which the state might or could have had if such surety had not made such payment. No assignment or other writing on the part of the state shall be necessary to make such subrogation effective; but the certificate of the *commissioner of conservation* under his hand and official seal, showing the amount of such timber, the lands from which it was cut or upon which it stood, and the amount paid therefor, shall be prima facie evidence of such facts."

Approved March 31, 1939.

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#### CHAPTER 121—H. F. No. 258

*An act to amend Mason's 1938 Minn. Supp., Section 5541 (2), relating to the open season for bear and the use of steel traps for taking bear.*

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

Section 1. **Open season for bear.**—Mason's 1938 Minn. Supp., Section 5541 (2), is hereby amended to read as follows:

"5541 (2). Bear may be taken during any open season for taking deer, and between April 15 and May 15, both inclusive, next following any such open season for deer; *provided, however, that in areas in which bear becomes a nuisance to agriculture, or a menace to persons or property, bear may be taken at any time by securing a permit from a game warden familiar with the area, which permit shall be issued for the taking of bear in the township or the adjoining township to the township in which applicant for a permit resides. No charge shall be made for such permit but a copy thereof shall be filed with the director of the division of game and fish, and such permit may be revoked at any time by the director of the division of game and fish upon recommendation of the game warden from the district where it was issued.* Steel traps may be used for the purpose of taking or catching bear only upon permission of the game and fish commissioner to do so. Rules and regulations for the safe use thereof shall be prescribed by the commissioner and anyone setting them so as to become a danger to persons walking in the woods shall be guilty of a gross misdemeanor."

Approved March 31, 1939.