

NOXIOUS WEEDS.

CHAPTER 91.

[H. B. No. 175.]

PREScribing MANNER OF DESTROYING NOXIOUS WEEDS.

AN ACT for the Destruction of Noxious Weeds, Providing Penalties for the Violation of the Same, and for the Repeal of An Act Entitled "An Act to Prevent the Spread of Noxious Weeds in the Territory of Dakota," General Laws of 1885, Supplement, Dakota Territory, and An Act Entitled "An Act to Amend Section 1, General Laws 1885, Supplement Relating to Noxious Weeds, Chapter 102, Session Laws of 1890."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. NOXIOUS WEEDS DEFINED—MANNER OF DESTROYING TO BE PRESCRIBED.] Every person and every corporation shall destroy upon all lands, which any such person or corporation shall own or occupy, all weeds of the kind known as Canada thistle, cockle burr, mustard, wild oats, French weeds, (*carena fatua*) and Russian cactus (*Sobsola Colinapall*), at such time and in such manner as shall effectually prevent their bearing seed. Such time and manner of destroying such weeds shall be prescribed by the board of county commissioners, and the same shall be published at least two weeks in some newspaper in the county, not less than two weeks before the time so prescribed; *Provided, further*, That if there be no newspaper published in the county, then written notices of the same shall be posted, the same as election notices are posted in lieu of such publications.

§ 2. DECISION TO BE PUBLISHED.] It shall be the duty of the board of county commissioners, at their regular meetings in April of each year, to determine the time and manner of destroying such noxious weeds and shall cause such decision to be published as provided for in Section 1 of this act. They shall also cause to be mailed to the chairman of each board of township supervisors and to every overseer of highways and road supervisor in the county a copy of their proceedings.

§ 3. WHEN OVERSEERS SHALL DESTROY—TAX AGAINST LAND.] Whenever any individual, firm or corporation, owning or occupying any lands within this State, shall neglect or refuse to comply with the provisions of this act for more than ten days after the time prescribed by said board of county commissioners, then it shall be the duty of the overseer or road supervisors, as the case may be,

to proceed forthwith to destroy the same in the manner provided for said destruction by the board of county commissioners; it shall also be the duty of such overseers or road supervisors to destroy all such noxious weeds that may grow on the highways and school sections and timber culture claims of his road district, and for so doing such overseer or road supervisor shall have such compensation, payable out of the township treasury or county treasury, as the township board of supervisors or board of county commissioners, upon presentation of his account thereof, verified by his oath and specifying by separate items the charges on each piece of land, describing the same, shall deem reasonable, and the respective accounts so paid, except for the destruction of such weeds upon the highways, shall be placed on the next tax roll of the township or county, as the case may be, in a separate column headed, "For destruction of weeds," as a tax against the said land upon which such weeds were destroyed and be collected as other taxes, and the entry of such tax on the tax roll shall be conclusive evidence of the liability of the land so taxed to such tax.

§ 4. PENALTY.] Whenever any overseer of highways or road supervisors shall neglect or refuse to comply with the provisions of this act, after having received notice as provided for in Section 2 of this act, he shall be subject to a fine of fifty (50) dollars, and it is hereby made the duty of the states attorney to enforce the provisions of this act.

§ 5. REPEAL.] That an act entitled, "An act to prevent the spread of noxious weeds in the Territory of Dakota," General Laws of 1885, Supplement and Chapter 102, Session Laws of 1890, relating to noxious weeds, be and the same is hereby repealed.

§ 6. EMERGENCY.] Inasmuch as there is no provision for the destruction of noxious weeds, and many of said weeds will go to seed before July 1st, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.