

# GRASSHOPPERS.

## CHAPTER 95.

[H. B. 172.]

### DESTRUCTION OF GRASSHOPPERS.

AN ACT to Provide for the Destruction of Grasshoppers and Rocky Mountain Locusts.

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

§ 1. DUTY OF COUNTY COMMISSIONERS.] That the board of county commissioners shall have power, and it shall be their duty to order the plowing of land and such other means as they deem expedient wherever and whenever they deem it necessary to cause the destruction of grasshoppers and Rocky Mountain locusts and grasshopper and Rocky Mountain locusts eggs, and said plowing and other means shall be done at the time and in the manner directed by said board of county commissioners by the owner or incumbrancer, if any, of said land immediately after receiving notice thereof from said board of county commissioners.

§ 2. NOTICE, HOW AND WHEN SERVED.] Where the owner of the land on which said board shall have decided plowing must be done for the purposes herein specified, cannot with reasonable diligence be served with notice within the state, it shall be sufficient to serve the said notice by publication thereof for two successive issues in the official newspaper nearest said tract.

§ 3. MUST PLOW IN FIVE DAYS.] If the owner or incumbrancer, if any, shall fail to plow said tract or tracts as ordered and directed by said board of county commissioners within five days after notice as herein provided, then, in that event said board of county commissioners shall cause said tract or tracts to be plowed, or so much thereof as may be by them deemed necessary, and audit and pay for said work out of the general fund of said county, upon warrant as in other cases made and provided.

§ 4. EXPENSE A LIEN UPON LAND.] Immediately after the said accounts are audited and paid by said county commissioners it shall be the duty of the county auditor to certify to the county treasurer the amount so expended upon each piece and parcel of land, which certificate shall contain the name of the record owner or incumbrancer of said tract, a true description of said land, the amount paid by the county for plowing done thereon, and the county

treasurer shall thereupon enter said amount against said land as taxes are entered against land, and the said amount shall constitute a lien upon said land prior to all other incumbrances, and shall bear interest at the rate of seven per cent per annum from date of entry by the county treasurer and collection thereof may thereafter be made and enforced in the same manner as delinquent taxes are enforced and collected against real property.

§ 5. PAYMENT OUT OF GENERAL FUND.] When the board of county commissioners shall deem the plowing of state land necessary for the purposes herein specified they shall order the same done, and payment therefor may be made out of the general fund of the county upon warrant as in other cases provided. Provided, however, that no growing crops shall be destroyed under the provisions of this act. Provided, that where the board of county commissioners shall deem it necessary to cause plowing upon government land held by resident claimants, or other means to cause the destruction of grasshoppers and Rocky Mountain locusts, said claimant shall be liable to the county in a civil action for all moneys necessarily expended in carrying out the directions of the board of county commissioners for the purposes herein specified.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is great danger of counties being infested with grasshoppers or Rocky Mountain locusts this year; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1899.

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## GUARDIAN.

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### CHAPTER 96.

[S. B. 65.]

#### APPOINTMENT OF GUARDIAN.

AN ACT to Amend Section 5226 of the Revised Codes of the State of North Dakota, Relating to the Appointment of a Guardian ad litem. Presented as a Substitute Bill for Senate Bills Nos. 7 and 32 by the Committee on Judiciary.

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

§ 1. AMENDMENT.] That section 5226 of the Revised Codes of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 5226. GUARDIAN, HOW APPOINTED.] The guardian shall be appointed.

1. When the infant is plaintiff, upon the application of the infant, if he is of the age of fourteen years; or if under that age, upon the