

through the board of university and school lands, or otherwise, for the purchase of any real property within the state, may maintain any action for injuries done the same; also an action to recover possession thereof in the same manner as though he possessed the fee simple title to such lands; provided, however, that in any action or proceeding by or against a railway company with reference to right of way or otherwise, the court shall, in any judgment which it may enter, protect the interest of the state in and to such real property, to the extent that the value of such lands taken, at the price agreed to be paid per acre to the state therefor, shall be directed to be paid to the proper officials of the state; and upon such payment any claim of the state or any of its boards to such part of said property as shall be taken by the railway company shall be at an end.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is in this state at this time no law giving the holder of school lands the right to bring actions against railway companies for right of way taken without the consent of the state; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1909.

SEEDS

CHAPTER 209.

[S. B. No. 119—Cashel]

PURE SEED LAW.

AN ACT to Regulate the Selling, Offering or Exposure of Seeds for Sale, and Providing Penalties for the Violation Thereof.

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

§ 1. SEEDS, HOW LABELED OR BRANDED.] Each and every package or lot of seeds, excepting only garden seeds in a packet or a package of one pound or less, whether in package or in bulk, which is sold, offered or exposed for sale by any person, firm or corporation in the state of North Dakota, shall be plainly, legibly and indelibly labeled in English upon the exterior of the container with a written or printed label. Such label shall show:

First: The commonly accepted name of the kind and variety of seed.

Second: The full name and address of the person or persons, firm or corporation selling, offering or exposing the seeds for sale.

§ 2. MIXED SEEDS, HOW SOLD.] In case of sale, offering or exposure for sale of mixed seeds, the packages or containers shall be plainly labeled upon the exterior of the container with the correct common names of the kinds or varieties of seeds composing the mixture.

§ 3. THE SALE OF AGRICULTURAL SEEDS CONTAINING SEEDS OF NOXIOUS WEEDS WHICH ARE FORBIDDEN OR UNLAWFUL.] No person, firm or corporation shall sell, offer or expose for sale or for distribution in the state any agricultural or garden seeds, excepting only garden seeds in a packet or package of one pound or less, which contain any of the seeds of couch or quack-grass, Canada thistle, sow thistle, or dodder. And the sale of agricultural or garden seeds containing more than a reasonable trace of the seeds of greater ragweed, corn flower, marsh elder, Russian pigweed, dandelion, chickory, Russian thistle, plantain, buck plantain, bracted plantain, white cockle, night-flowering catchfly, pink cockle, corn cockle, cow cockle, curled dock, sorrel, sheep-sorrel, purslane, bindweed, wild buckwheat, wild onion, wild oats, pigeon grass, holy grass, cress, mustard, tumbling mustard, hare's-ear mustard, pennycress, pepper grass, shepherd's purse, false flax, bird's-foot trefoil, yellow trefoil, bur clover, sweet clover, ergot, or of the seeds of any other noxious weeds is unlawful.

§ 4. MISLABELING OR MISBRANDING SEEDS.] It shall be unlawful for any person, either for himself or while acting as agent or servant of any other person, firm or corporation, to sell, offer or expose for sale, or to deliver within the state of North Dakota any seeds which are misbranded within the meaning of this act. Seed or seeds shall be deemed to be misbranded if the contents of any sack or lot of seeds, whether in package or in bulk containers, is not labeled in accordance with the requirements of sections one, two and six of this act, or if such seed or seeds be falsely labeled in any respect.

§ 5. PENALTY FOR VIOLATION OF ACT.] Whoever sells, offers or exposes for sale or for distribution in the state any seeds without complying with the requirements of sections one and two of this act, or in violation of sections three and six of this act, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten dollars and costs, nor more than one hundred dollars and the costs of the prosecution for the first offense, and not less than one hundred dollars and costs nor more than five hundred dollars and costs of prosecution for the second or any subsequent offense.

§ 6. SALE OF SEEDS FOR MANUFACTURE, FOOD OR FORAGE. UNCLEANNED SEED AND SEEDS IN TRANSIT.] The provisions of this act shall not apply to any person, firm or corporation growing or selling or exposing for sale cereals or other seeds for manufacturing purposes, for food or forage; provided, that the provisions of this act shall not apply to the sale or exposure for sale of uncleaned seed,

provided each package, lot or bulk of such uncleaned seed sold, exposed or offered for sale be plainly labeled with the words, "Uncleaned Seed"; and provided, further, that in case of large quantities of such unclean seeds stored in an elevator, granary or warehouse, they shall be labeled the bins or subdivisions, "Uncleaned Seeds," and no such uncleaned seed shall be sold or delivered within the state for sowing purposes without the consent of the purchaser. This act shall not apply to seeds or grains in transit.

§ 7. THE NORTH DAKOTA AGRICULTURAL COLLEGE EXPERIMENT STATION TO INSPECT, ANALYZE AND TEST SEEDS.] The North Dakota agricultural college experiment station at Fargo shall inspect, examine and make analyses of or test seeds sold, offered or exposed for sale in the state at such time and places and to such extent as it may determine. The director of said experiment station is hereby authorized to appoint a state seed commissioner and such other agents as he may deem necessary to carry out the provisions of this act, and said commissioner or agents shall have free access at all reasonable hours upon and into any premises or structures to make examinations of any seeds, whether such seeds are upon the premises of the owner of such seeds, or on other premises, or in the possession of any warehouse, elevator or railway company; and upon tendering payment thereof at the current value, may take from any person, firm or corporation any sample or samples of such seeds. The salary of said commissioner and of other agents shall be fixed and paid by the trustees of said experiment station.

§ 8. CITIZENS MAY SEND SAMPLES OF SEED OR SEEDS FOR ANALYSIS OR TEST.] Any citizen of the state of North Dakota may, in accordance with regulations prescribed by the state seed commissioner, prepaying the transportation charges, send a sample or samples of seed to said experiment station for examination, analysis or test, and such sample or samples shall be examined, analyzed or tested and reported upon free of charge.

§ 9. CERTIFICATES AS EVIDENCE.] The certificate of the botanist of the North Dakota agricultural college experiment station at Fargo, giving the results of any examinations, analysis or test of any seed sample made under the authority of said experiment station, shall be presumptive evidence of the facts therein stated.

§ 10. FACTS, HOW TRANSMITTED.] When said experiment station shall find by its examinations, analyses or tests that any person, firm or corporation has violated any of the provisions of this act, the state seed commissioner may transmit the facts so found to the attorney general or to the state's attorney of the county in which the offense was committed or the misbranded seeds were found.

§ 11. DUTY OF ATTORNEY GENERAL AND STATE'S ATTORNEY.] It shall be the duty of the attorney general and the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the state seed commissioner.

§ 12. STATION TO MAKE REPORT.] The North Dakota agricultural college experiment station, through the state seed commissioner, shall make an annual report to the governor upon the work done under this act, which report shall show the results of the inspection, examinations, analyses or tests made together with the date or dates of said inspection, examinations, analyses or tests, and may include the names of persons, firms or corporations having seeds under such inspection, examination, analysis or test. The said experiment station may also publish bulletins or press reports setting forth results of inspection, examinations, analyses or tests conducted under the provisions of this act, which bulletins or press reports may include the names of the persons, firms or corporations having seeds under such inspection, examination, analysis or test.

§ 13. APPROPRIATION.] There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars, to be paid to the treasurer of the North Dakota agricultural college experiment station at Fargo, and the same shall be expended for the equipment of a seed testing laboratory and in carrying out the provisions of this act. Said payment shall be made in four quarterly installments on the first days of July, October, January and April, and the state auditor is hereby authorized and directed to draw his orders for such payments.

Approved March 5, 1909.

SEED GRAIN

CHAPTER 210.

[H. B. No. 12—Kinney, of McLean]

BONDS FOR SEED GRAIN.

AN ACT Authorizing Counties to Issue Bonds or Warrants to Procure Seed Grain for Needy Farmers Resident Therein.

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

§ 1. BONDS AUTHORIZED. PETITION FOR. TIME TO RUN.] In any county of the state where the crops for any preceding year have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for the board of county commissioners of such county to issue the bonds of the county under and pursuant to the provisions of this act, and with the proceeds derived from the sale thereof, to purchase seed wheat for the inhabitants thereof who are in need of seed grain and are unable to procure the same, when-