

§ 2. For the purpose of securing diligence and care in preventing the spread of noxious weeds, it shall be the duty of, and every owner or operator of a machine used for separating grain from straw, shall before leaving the premises of a person or persons and going to that of another or others, clean said machine from foul seed by operating it until all grain and seed is out of it, and in addition thereto, the surface thereof shall be thoroughly swept. Also all conveyances used for hauling grain, either threshed or unthreshed, shall likewise be cleaned by brushing or sweeping before leaving the field where said work is done and going to that of another. Provided, that this shall not affect the hauling and handling of the necessary straw to be used for the operation of the engine. Provided, further, that a printed copy of this law shall be kept posted on every threshing separator operating in the state of North Dakota during threshing seasons.

§ 3. Any person convicted of carrying foul seed from the premises of one person to that of another by reason of failure to comply with the requirements of sections 1 and 2 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment in the county jail for not less than three (3) nor more than ten days or both.

Approved March 3, 1911.

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## NURSERIES

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### CHAPTER 196.

[H. B. No. 297—Anderson of Ramsey]

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#### INSPECTION AND REGULATION OF NURSERIES.

AN ACT Providing for the Inspection of Nurseries; Defining the Duties of the Director of the North Dakota Experimental Station in Regard to Nurseries and Nursery Stock; Regulating the Shipment and Sale of Nursery Stock; Requiring License for Selling Nursery Stock; and Providing Penalties for Violations of the Provisions of this Act.

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

§ 1. INSPECTION OF NURSERIES AND NURSERY STOCK AUTHORIZED.] The director of the North Dakota experiment station is hereby authorized to inspect through his agent any nursery or any fruit or garden plantation or any unplanted nursery stock in this state that he has reason to suspect is infested with any injurious

or fungous disease and for this purpose his agent shall have free access to the premises where the duties of carrying out this act shall call him, and any person attempting to hinder such inspection by misrepresentation or otherwise shall be liable to the payment of a penalty as hereinafter provided.

§ 2. DUTIES OF AGENT. NOTICE.] In case the agent of the said director shall find on any nursery premises injurious insects or fungous diseases, he shall notify the owner in writing to that effect and prescribe the treatment in his judgment necessary to destroy the insects or fungus. Any one shipping out stock after receiving said notice, or failing to comply with the requirements of the said agent, shall be subject to the payment of a penalty as hereinafter provided.

§ 3. SHIPMENT OF STOCK TO BE LABELLED.] Whenever any trees, shrubs, plants, or vines are shipped into this state from any outside point, there shall be plainly labelled or fixed on the outside of the package a certificate showing that the contents have been inspected by duly appointed state or government officer and that they are free from injurious insects and fungous diseases, any package not so labelled shall be promptly reported to the said director by the railways or express company or other persons carrying the same with a statement of the source whence such articles came and the party to whom they are addressed. Any person or company who shall receive or offer for sale any plants, trees or shrubs not labelled as provided in this section shall be subjected to payment of a penalty as hereinafter provided.

§ 4. DIRECTOR MAY DEMAND LIST OF PERSONS TO WHOM INFECTED STOCK SOLD.] Any person growing or offering for sale in this state any nursery stock found to be infected with injurious insects or fungous diseases shall upon demand of said director furnish a list of all persons as far as to him known, to whom he has sold or delivered any such stock, together with the post office address of each of such persons, so far as to him known. Such information shall be preserved and be for the sole use of said director and his agent in carrying out the provisions of this act. Any person violating the provisions of this section shall be liable to a payment of a penalty as hereinafter provided.

§ 5. CERTIFICATE OF INSPECTION. HOW OBTAINED. FEE.] The said director shall cause to be issued to the owner of any nursery in this state after the nursery stock therein has been properly inspected and found to be apparently free from injurious insects and fungous disease, an official certificate to that effect, good for a period not to exceed one year. Any such owner may apply to said director for inspection of his premises for the purpose of securing such certificate and the said director shall cause such inspection to be made within three months after receiving the application. Any person requesting inspection after Sep-

tember 15th shall pay a fee of five dollars (\$5.00) for each ten acres of land that is wholly or in part devoted to growing nursery stock for selling purposes.

§ 6. SHIPMENT OF STOCK MUST HAVE SHIPPING-TAG CERTIFICATE.] No person or corporation shall deliver or ship out from his nursery or place of business for delivery within North Dakota, nursery stock of any kind which does not have attached to the package in which it is contained the authorized shipping tag certificate with the facsimile signature of the agent.

§ 7. LICENSE. WHO MUST HAVE BOND.] Every individual, firm or corporation who employs agents or traveling salesmen, or who solicits for the sale of nursery stock in this state, shall before being authorized to do business obtain a license from the said director, upon the payment of a sum of ten dollars (\$10.00) and upon filing with the said director a certificate of inspection of the nursery in which the stock was grown and a five hundred dollar (\$500.00) bond conditioned that the principal will faithfully obey the provisions of this act, and said license shall entitle the individual, firm or corporation obtaining the same to do business in this state during the next twelve months following the issuance thereof and upon complying with all the provisions of this act.

§ 8. CERTIFIED STATEMENT OF SALE.] Every person, firm or corporation who shall by himself, his agent or salesman sell, grow, handle or deliver in this state any nursery stock which is sold, offered or exposed for sale for planting, shall give at the time of the sale or delivery of the same to the purchaser a certified and true statement of such sale, such certificate may upon a tag attached to shipment or mailed to the purchaser with bill of lading, giving the correct English name or names of each variety sold so far as possible, or in lieu thereof the name by which such stock is known to the nursery trade.

§ 9. PENALTY FOR VIOLATION OF ACT.] Any person or persons, corporation, transportation companies or company violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction be fined in the sum of not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

§ 10. COMPENSATION AND EXPENSES OF AGENT.] The agent authorized by said director shall be granted a compensation not to exceed five dollars (\$5.00) per day and actual traveling expenses and for such purpose there is hereby assigned such portion of the license fees received as is required for carrying out the provisions of this act.

§ 11. REPORT FURNISHED TO GOVERNOR. PRINTED, WHEN AND WHERE.] Said director shall furnish a report to the governor of all transactions carried out under this act together with an

account of all moneys received or expended, such report to be printed in the director's report for each biennial period.

§ 12. EMERGENCY.] An emergency is hereby declared to exist in that there is no law regulating the nursery business in this state, and this act shall take effect and be in force from and after the date of its passage and approval.

Approved March 3, 1911.

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## OFFICERS AND OFFICES

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### CHAPTER 197.

[S. B. No. 175—Ellingson]

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#### OFFICES AND QUALIFICATIONS OF OFFICERS.

AN ACT To Amend Section 417 of the Revised Codes of North Dakota for the Year 1905, Relating to Officers and Offices, and the Qualifications of Officers.

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

§ 1. AMENDMENT.] That section 417 of the revised codes of North Dakota, 1905, be and the same is hereby amended and re-enacted to read as follows:

§ 417. WHEN OFFICERS SHALL QUALIFY.] Except when otherwise specially provided, all state, district, county and precinct officers shall qualify on or before the first Monday of January next succeeding their election, or within ten days thereafter, and on said first Monday of January or within ten days thereafter, enter upon the discharge of the duties of their office, provided that county auditors shall qualify on or before the first Monday of April next succeeding their election or within ten days thereafter, and on said first Monday of April or within ten days thereafter enter upon the discharge of the duties of their office, and provided further, that county treasurers shall qualify on or before the first Monday of May next succeeding their election, or within ten days thereafter, and on said first Monday of May or within ten days thereafter, enter upon the discharge of the duties of their office.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 3, 1911.