

taken as a basis for valuation of such shares of stock in the hands of the stockholders subject to the provisions of law requiring all property to be assessed at its true and full value, or as such property may be by law classified for assessment. Provided, however, no bank or trust company shall be permitted a deduction for net investment in real estate of more than sixty per cent of its capital stock, surplus and undivided profits; and provided further, that upon written request of the accounting officer any solvent bank or trust company may have the total amount of the assessment herein provided for as against each shareholder to be assessed against the bank or trust company in its corporate name and the taxes accruing thereon paid as other expenses of the bank or trust company are paid. The shares of capital stock in national banks, not located in this state, held in this state, shall not be required to be listed under this article.

Approved, March 9, 1917.

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## BARBERRY BUSHES

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### CHAPTER 62.

[S. B. No. 139—Mostad.]

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#### ERADICATION OF CERTAIN BUSHES AND HEDGES.

An Act to Provide for the Eradication of Certain Bushes and Hedges Commonly Known as Barberry Bushes in Order to Provide for the Control and Lessening of Damage by Rust to Wheat and Other Cereals and Grasses, Making an Appropriation for the Enforcement of this Act, and Providing Penalties.

**PREAMBLE:** Whereas it has been scientifically demonstrated that wheat and other cereals are apt to be more seriously injured by rust when grown in the vicinity of barberry bushes and hedges, and,

Whereas it has been demonstrated that the black stem rust of wheat and other cereals and grasses develops on certain barberry bushes in the spring and produces countless number of spores which are carried by the wind and find lodgment on grain and grasses, therefore

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

§ 1.] That all barberry bushes and barberry hedges except the species and variety known as Japanese barberry (*Berberis Thunbergii*) are hereby declared to be, and the same are, a public nuisance and a menace to the public welfare. It shall be the duty of every person owning or having charge of any premises on which

barberry bushes of the rust producing variety are grown, or found growing, to immediately destroy such bushes.

§ 2.] The Commissioner of Agriculture and Labor is authorized, and it is hereby made his duty, to cause all rust producing barberry bushes and barberry hedges within the State of North Dakota to be eradicated in the manner herein provided. It shall also be the duty of the board of county commissioners of every county in this state to order and cause the eradication of all such rust producing barberry bushes within their respective counties in the manner hereinafter provided. The commissioner of Agriculture and Labor shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such rust producing barberry bushes, and he shall have the power to appoint one or more agents to enforce the provisions of this act. The Commissioner of Agriculture and Labor, or his agents, and the county commissioners shall have free access at all reasonable hours to any premises to determine whether such rust producing barberry bushes are growing thereon.

§ 3.] Whenever the Commissioner of Agriculture and Labor, or his agents, or the county commissioners have found barberry bushes of said rust producing variety, it shall be the duty of the board of county commissioners, or the Commissioner of Agriculture and Labor, or his agents, as the case may be, to immediately notify, or cause to be notified, the owner of the premises on which such bushes are growing; such notice shall be sent to such owner by registered mail, and if such barberry bushes are not destroyed within ten (10) days after the mailing of such notice, the county commissioners, or the Commissioner of Agriculture and Labor, or his agents, as the case may be, shall destroy, or cause to be destroyed, such barberry bushes and the expense thereof shall be a lien upon the premises where such bushes are growing, and if the owner or occupant shall not pay the same to the county treasurer on or before the first Monday of December following, such expense shall be added to the taxes assessed against such premises and collected in the same manner as taxes are collected. In order to provide for the immediate payment of the cost of eradicating barberry bushes, the county commissioners shall authorize the payment of such expense from the general fund of the county which fund shall be reimbursed by the collection of such costs in the manner hereinbefore provided.

§ 4.] The Commissioner of Agriculture and Labor, or his duly authorized agent, whenever requested by the board of county commissioners, or by any resident freeholder within the state, determine, or cause to be determined, whether or not the barberry bushes grown on certain premises are of the rust producing variety, and after such examination the result of the same shall be certified to the board of county commissioners.

§ 5. AN APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated

the sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary to defray the expenses of the Commissioner of Agriculture and Labor, and his agents, in carrying out the provisions of this Act.

§ 6. PENALTY.] Any person, partnership, firm, corporation, or association, who shall fail or neglect to destroy the rust producing barberry bushes growing on their premises within ten (10) days after receiving notice from the board of county commissioners so to do, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than twenty-five dollars (\$25.00).

§ 7. AN EMERGENCY.] Whereas, it is highly necessary and expedient that barberry bushes of the rust producing variety be destroyed and exterminated before the first day of July, 1917, therefore an emergency exists, and this act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

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## BEAVER AND OTTER

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### CHAPTER 63.

[S. B. No. 74—Jacobsen.]

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#### BEAVER AND OTTER.

An Act to Amend and Re-enact Section 46 of Chapter 161 of the Session Laws of North Dakota for 1915, Relating to Beaver and Otter.

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

§ 1. AMENDMENT.] That Section 46 of Chapter 161 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as to read as follows:

§ 2. BEAVER AND OTTER.] No person shall take, kill, catch or trap any beaver or otter except as herein provided, that any person having procured a trapping license may take, kill, catch or trap beaver between and including the tenth day of January and the tenth day of March of each year.

§ 3. Any violation of the preceding sections shall be a misdemeanor and any person or persons convicted thereof shall be fined not less than seventy-five nor more than one hundred dollars and costs of prosecution, or imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment at the discretion of the court.

§ 4. If the owner or owners of any premises upon which there may be any beaver shall post in a conspicuous place upon such