
WEEDS

CHAPTER 231.

[S. B. No. 123—Plain]

COMMISSIONERS OF NOXIOUS WEEDS:

AN ACT Declaring Certain Noxious Weeds to be a Public Nuisance and Creating a Commissioner of Noxious Weeds, Providing for the Manner of His Appointment and Prescribing His Powers and Duties, and Providing Penalties for Failure to Perform the Same and Providing Penalties for Failure to Comply with His Notice and Orders.

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

§ 1. PUBLIC NUISANCE.] All Canada and sow thistles and quack grass are hereby declared to be and the same are a public nuisance, and the board of township supervisors in organized townships, and the board of county commissioners for unorganized townships are hereby empowered to destroy the same as hereinafter provided.

§ 2. COMMISSIONER APPOINTED.] There shall be appointed by the board of township supervisors in all organized townships, and by the board of county commissioners in all unorganized townships, for each township or election precinct, and by the city council of any city, or by the board of trustees of any town or village, as the case may be, some competent person, to be styled, "Commissioner of Noxious Weeds," who shall take the oath required of township officers, and shall hold his office for the term of one year, and until his successor is appointed and qualified, and who shall receive for his compensation the sum of three dollars a day for each day necessarily spent in the performance of his duty. The board of appointment may, at any time, for good cause, remove the commissioner from office and appoint his successor to serve the remaining portion of his time, and it shall be the duty of said board to strictly enforce all the provisions of this act, and they shall have the same power as the commissioner of noxious weeds in discharging such duty.

§ 3. DUTIES OF COMMISSIONER.] The commissioner of noxious weeds shall diligently examine and investigate into the existence and introduction of Canada and sow thistles and quack grass in his township or precinct, and if any are found growing therein he shall take charge of all such as are growing upon the highways and uncultivated lands, and prevent the same from go-

ing to seed, or otherwise spreading, and he shall carefully investigate and ascertain the best practicable methods for their destruction and he shall persistently apply at proper times such remedy or treatment as he shall deem best calculated to prevent their spread and to eradicate the same, and he shall serve upon all persons, partnerships, firms, corporations and associations owning or controlling any lands where such noxious weeds are growing, written notice to destroy the same within a time specified in said notice.

§ 4. TREATMENT OF THISTLES AND QUACK GRASS ON CULTIVATED LAND. TAKING POSSESSION. APPEAL.] In case said thistles and quack grass are found growing upon cultivated lands, the commissioner shall consult and advise with the owner, agent or occupant thereof as to their treatment, and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant as to the boundaries of the tract so infected which it is expedient for him to control for the purpose of destroying such noxious weeds and he shall mark the same by stakes and thereafter such infected tract, or as much as from time to time remains infected, shall be managed and controlled by the said commissioner for the purpose of destroying said thistles and quack grass, and for so long a time as it may be necessary to complete such work. In case the commissioner and the owner, agent or occupant of said land cannot agree as regards the propriety of the commissioner controlling such tract, or the boundaries of the same, then the commissioner shall proceed to stake out or mark such boundaries as he deems proper, and file a description of such tract and a record of his proceedings with the town clerk in organized townships or county auditor in unorganized townships. The owner, agent or occupant of the land may, if he feels aggrieved, appeal from such decision of the commissioner within five days to the township supervisors or to the county commissioners, as the case may be, by filing written notice of appeal with the township clerk or county auditor, as the case may be, and thereupon such board shall proceed within five days to review the same, and to hear the reason for and against the decision of the commissioner, and a majority of such board of appeal shall decide as to the propriety of taking possession of the tract alleged to be infected, and if they decide to take such possession, shall also determine the boundaries of the same, and shall direct said commissioner to exterminate said thistles and quack grass without unnecessarily depriving the owner of the land of any legitimate use and enjoyment of the same, not interfering in any way with the destruction of such thistles and quack grass, and the owner or occupant of said land shall pay all cost and expense of labor for said extermination, which shall not exceed the sum of one hundred dollars for each one hundred and sixty acres, or fraction thereof, in any one year, without the written consent of the supervisors of said township or county commissioners, as the case may be, and that the sum so expended shall

be a lien upon said tract so infected; and if the owner or occupant shall not pay the same to said commissioner on or before the first Monday of December following, the commissioner shall certify under oath to the county auditor the amount so due on each tract; and it shall be the duty of said commissioner to collect the same in a civil action and cover the same into the general fund of the respective districts.

§ 5. SALARY OF COMMISSIONER.] It shall be the duty of the board of township supervisors or the board of county commissioners as the case may be, to pay out of the general fund the salary of the commissioner of noxious weeds, and all expenses and disbursements incurred under the provisions of this act, upon verified vouchers duly audited and approved.

§ 6. PROSECUTIONS.] It shall be the duty of the commissioner to prosecute on complaint filed with the proper authorities, any person or corporation who shall violate any law now existing or which shall hereafter be passed on the subject of Canada and sow thistles and quack grass.

§ 7. REPORT OF COMMISSIONER.] The commissioner shall annually before the first day of December, make a written report to the supervisors of the township or to the county commissioners, as the case may be, which report shall be filed with the town clerk or the county auditor. The report so filed shall be publicly read at the next regular meeting of such board. Said report shall state:

First: Whether there are or are not any Canada or sow thistles or quack grass growing in the town or precinct.

Second: If any are growing, where and to what extent and when and how introduced.

Third: A detailed statement of his treatment of each infected tract with cost and result.

Fourth: He shall report such other matters, as may be required of him by the board of township supervisors, or by the county commissioners, as the case may be.

Fifth: He shall state his views on the further treatment of each infected tract and make such suggestions and recommendations as he may deem proper and useful.

§ 8. ENFORCEMENT OF ACT.] All officials charged with the enforcement of this act shall have the right and may go upon lands infected, or which they believe to be infected, with Canada or sow thistles or quack grass, for any purpose necessary for such enforcement. All officials charged with the enforcement of this act who neglect or refuse to carry out the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than fifty dollars.

§ 9. LAND OWNERS.] Any person, partnership, firm, corporation or association who after due notice, shall neglect or fail to cut down, dig up, destroy or take other certain means of exterminating Canada and sow thistles or quack grass, or prevent the same from going to

seed, that may at any time be growing upon any lands owned or controlled by them, shall be liable for each offense in a sum not less than twenty-five dollars, nor more than one hundred dollars, to be recovered in a civil action by the commissioner of noxious weeds and to cover the same into the general fund of the respective districts.

§ 10. EMERGENCY.] An emergency is hereby declared to exist in that there is no adequate law providing for the destruction of Canada and sow thistles and quack grass; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.

WHITE STONE BATTLEFIELD

CHAPTER 232.

[S. B. No. 93—Walton]

WHITE STONE HILL MEMORIAL PARK.

AN ACT Authorizing the Sale of a Certain Portion of the Land Granted by the United States Government for a Memorial Park and Burial Ground of Soldiers Killed at the Battle of White Stone Hill, and to Provide How the Moneys Arising from Such Sale Shall Be Expended.

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

§ 1. AUTHORITY TO SELL GRANTED.] The trustees of the White Stone battle field commission are hereby empowered to sell to the highest bidder for cash at a price not less than the appraised valuation, to be fixed by the county board of appraisers of state land, provided, however, that said land shall not be appraised at a less value than seven dollars per acre, such portion of the southeast quarter of section number seven, the southwest quarter of section number eight, the northeast quarter of section number eighteen, and the northwest quarter of section number seventeen, all in township number one hundred and thirty-one, north, of range number sixty-five west, being the land granted by congress as the White Stone battle field, as said trustees shall deem advisable; provided, however, there shall be retained of said ground at least forty acres thereof.

§ 2. PROCEEDS MADE SPECIAL FUND.] The money arising from such sale shall be deposited in the state treasury as a special fund to be paid out as hereinafter provided.

§ 3. PROCEEDS, HOW EXPENDED.] The said trustees are hereby authorized to expend the money arising from such sale by fencing,