

Revis, Statute, etc

LAWS OF ILLINOIS RELATING TO CANADA THISTLES.

- § 1. Commissioner of Canada thistles.
- § 2. Duties of commissioner.
- § 3. Treatment of thistles on inclosed lands—appeal, etc.
- § 4. Further treatment.
- § 5. Prosecutions.
- § 6. Report of commissioner.
- § 7. Accounts audited.
- § 8. Appropriations—control by county board.
- § 8½. Duty of county boards—appointment of commissioners—penalty.
- § 9. Emergency.

AN ACT concerning Canada thistles. (Approved and in force March 15, 1872, and all Acts amendatory thereto.)

1. COMMISSIONER OF CANADA THISTLES.] § 1. That there may be appointed by the board of town auditors, in counties under township organization, and by the county commissioners in counties not under township organization, for each township or road district, and by the city council of any city or by the president and trustees of any town or village, as the case may be, some competent person to be styled "Commissioner of Canada Thistles," who shall take the oath required of township, road district, city or village officers, as the case may be, and shall hold his office for the term of two years and until his successor is appointed and qualified, and he shall receive for his compensation the sum of three dollars a day for each full day necessarily spent in the performance of his duty, to be verified by affidavit. The body so appointing may, at any time, for good cause, remove such commissioner from office and appoint his successor to serve the remaining portion of his time. [Amended by Act filed June 26, 1917.

2. DUTIES OF COMMISSIONER.] § 2. The commissioner of Canada thistles shall diligently inquire concerning the introduction and existence of Canada thistles in his township, road district, city, village or town, and if any are found growing therein, he shall take charge of all such growing in the highways and on unenclosed lands and take care that they do not go to seed or otherwise spread, and he shall carefully seek and learn, so far as practicable, the best methods of their destruction, and he shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the same. [Amended by Act filed June 26, 1917.

3. TREATMENT OF THISTLES ON INCLOSED LANDS—DECISION OF COMMISSIONERS—APPEAL, ETC.] § 3. It shall be the duty of all owners of enclosed lands on which Canada thistles are found growing, to destroy the same in such manner as shall prevent the same from bearing seed or from otherwise perpetuating themselves. The commissioner shall advise the owner, agent or occupant of such land on

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their treatment. In case any such owner, agent or occupant shall refuse or neglect to destroy such thistles, it shall be the duty of the commissioner to enter upon such lands and to destroy such thistles or cause the same to be destroyed. Express power to so enter upon such lands and destroy such thistles is hereby conferred upon such commissioner. Any expense incurred in such destruction shall be paid by the owner or owners of such lands, and the commissioner shall have a lien against such lands for such expense, which lien shall be enforced in the manner now provided by law for the enforcement of mechanics' liens. Any owner who shall refuse or neglect to destroy such thistles, as provided for in this section, shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00.) [Amended by Act filed June 26, 1917.

4. FURTHER TREATMENT.] § 4. The commissioner shall apply the best known means and use the utmost diligence in eradicating the thistles; but he shall not have power to expend in work or materials more than \$100 on any one infected tract, without the advice and consent, in writing, of the supervisor of the town, or of the county commissioners, as the case may be.

5. PROSECUTIONS.] § 5. It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the subject of Canada thistles.

6. REPORT OF COMMISSIONER.] § 6. The commissioner shall, annually, before the first day of November; make a written report to the supervisor of the town, or to the county commissioners, as the case may be, which report shall be filed with the town clerk, or, in counties not under township organization, with the county clerk. The report made to the supervisor shall be publicly read at the annual town meeting. Said report shall state:

First—Whether there are or not any Canada thistles growing in the town or precincts.

Second—If any are growing, where and how many, 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 town auditors, or by the county commissioners.

Fifth—He shall state his views on their further treatment, and make such suggestions and recommendations as he may deem proper and useful.

And he shall also forward a copy of said report to the secretary of the State Board of Agriculture, who shall collate and report the same to the Governor on or before the first day of December of each year.

The secretary of the State Board of Agriculture shall have general supervision of all measures adopted for the extermination of such thistles. He shall cooperate with all local Canada thistle commissioners, shall furnish blank forms for reports to all such commissioners and shall do all things authorized by law necessary and expedient to

promote the extermination of such Canada thistles. [Amended by Act filed June 26, 1917.

7. ACCOUNTS AUDITED.] § 7. The board of town auditors, and the county commissioners in counties not under township organization, shall audit the accounts of the commissioner, both for his services and for the money expended or labor employed by him; and they shall provide for their payment as they now do for other town or county expenses.

8. APPROPRIATIONS—CONTROL BY COUNTY BOARD.] § 8. The boards of supervisors and county commissioners may make appropriations from the county treasury to aid in destroying the Canada thistle in any one or more towns or precincts of the county; and in case they deem it expedient, they may assume control over any one tract or of all the Canada thistles in the county, and make such provision as they may deem necessary, and impose penalties, not exceeding \$100 for each offense, for a violation of any provisions, by-laws or regulations made by them on this subject, to be sued for by the commissioner, in the name and for the use of the proper county, before any justice of the peace having jurisdiction. Whenever the board of supervisors or county commissioners shall decide to assume control, and so long as they exercise it, their jurisdiction shall be superior to that of the commissioner.

8½. DUTY OF COUNTY BOARD—APPOINTMENT OF COMMISSIONER—PENALTY.] § 8½. And it is hereby made the duty of county boards in counties under township organization, where town auditors have failed or refused to appoint a commissioner of Canada thistles; upon the petition of twenty-five land owners, of said town or adjoining town or towns, stating the failure of said board of auditors to appoint a commissioner for said town, and of the necessity for the same; to appoint a commissioner for said town (who shall be a resident of said town), who shall hold his office for the same length of time, as if appointed by the board of auditors, and shall receive the same compensation, and said compensation shall be audited and allowed, and paid by the township for which he was appointed, the same as if he had been appointed by the board of auditors of said town; and his duties shall be the same, and the board of town auditors or county board may appoint so many assistant commissioners as they may deem necessary to thoroughly perform the duties in any town; which assistants shall receive the same compensation for like services, as the commissioner, and whose duties shall be the same, and the commissioner of Canada thistles or assistants refusing or neglecting to perform their respective duties shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense such fine to be sued for in any court of competent jurisdiction in the name of the town on complaint of any land owner of the town; said fine when collected to be paid to the supervisor or county commissioner and become a part of the town or precinct fund.

9. EMERGENCY.] § 9. Whereas, Canada thistles are now growing in various parts of the State, requiring attention before the first day of July, therefore this Act shall take effect and be in force from and after its passage.



CRIMINAL CODE.

CANADA THISTLES.

(Sections 40 and 41.)

40. BRINGING INTO THE STATE, OR ALLOWING TO SEED.] § 40. Whoever shall bring into this State, whether in the packing of goods, or in grain or grass seed, or otherwise, any seed of the Canada thistle, and permit the same to be disseminated so as to vegetate on any land in this State, and whoever shall permit any Canada thistle to mature its seed on any land owned or occupied by him, so that the same is or may be disseminated, shall be fined not less than \$10 nor more than \$100; the fine to be paid to the commissioners of Canada thistles, if any is appointed in the town, precinct, city or village, or otherwise as directed by law.

41. RAILROADS TO DESTROY.] § 41. If any company, association or person owning, controlling or operating a railroad shall refuse or neglect to dig up and destroy, or take other certain means of exterminating Canada thistles and other noxious weeds that may at any time be growing upon the right of way or other lands of such roads, or appertaining thereto, they shall be fined for each offense not less than \$50 nor more than \$200; the fine to be paid as in the preceding section.

Compiled by
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