

No. 238, A.] .

[Published June 8, 1907

CHAPTER 190.

AN ACT to create sections 925—49a and 925—38a, and subdivision 69 of section 925—52, statutes of 1898, relating to common councils, their organization and power in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There are added to the statutes of 1898, two new sections to read: (Section 925—49a and 925—38a.)

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SECTION 2. There is added to the statutes of 1898, a new subdivision of section 925—52, to read:

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Approved June 7, 1907.

(In effect July 1, 1907.)

No. 351, A.]

[Published June 8, 1907.

CHAPTER 191.

AN ACT to create sections 1480t—1 to 1480t—17, inclusive, statutes of 1898, relating to the extermination of the Canada thistle.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There are added to the statutes of 1898, seventeen new sections to read:

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Approved June 7, 1907.

(In effect July 1, 1907.)

4. Such money shall be paid to the treasurer of the society, association, or board, upon his receipt, countersigned by the secretary.

5. * * * The amounts to be paid to any such organized agricultural society, association or board, during any year, shall not exceed the following amounts, to-wit:—to the state board of agricultural the sum of ten thousand dollars, to the northern Wisconsin state fair or the La Crosse inter-state fair association, the sum of five thousand dollars each, and to any county agricultural society or other association or board above mentioned, the sum of one thousand and seven hundred dollars each.

(Ch. 106, 1907.)

Tobacco association: appropriation. SECTION 1465. There is annually for two years appropriated to the Wisconsin Tobacco Growers' and Dealers' Association out of any money in the treasury not otherwise appropriated, the sum of three hundred dollars.

(Ch. 410, 1907.)

Canada thistle extermination: SECTION 1480t—1. The noxious weed known as Canada thistle (*cirsium arvense*) is hereby declared a public nuisance.

(Ch. 191, 1907.)

State thistle board created. SECTION 1480t—2. There is created the Wisconsin Canada thistle board to be composed of the hereinafter named officers. The said board shall provide blank forms for all reports herein required. The director of the agricultural experiment station shall be the head of said board and shall be the final authority in all matters brought before said board, and his decision shall be in all such matters final.

(Ch. 191, 1907.)

County thistle commissioner. SECTION 1480t—3. The county supervisor of assessments of each county shall, by virtue of his office, be county Canada thistle commissioner and his per diem, while so engaged shall be the same as received by him in his capacity as superintendent of assessments.

(Ch. 191, 1907.)

Town, city and village commissioners. SECTION 1480t—4. On or before the first day of May next succeeding the action of the county board of any county adopting the provisions of this act, the town supervisors, city or village council shall furnish to the director of the agricultural experiment station a list of three names from which he shall appoint a Canada thistle commissioner for each town, city and village, but in case no such list shall be furnished, said director shall nevertheless, appoint a commissioner of his own selection. Such commissioner shall hold his office for a term of three years and until his successor is appointed and qualified unless he shall for cause sooner be removed by said director. For each day actually and necessarily spent in the active discharge of his duties, he shall receive the sum of three dollars, accounts therefor to be verified and approved as provided by section 1480t—11 of this act, said accounts to be paid by the treasurer of the respective town, city or village; provided, that the said Canada thistle commissioner shall not expend in time more than thirty days for which the town, city or village shall be liable unless the written consent of the town board, city or village council shall first be obtained.

(Ch. 191, 1907.)

Town assessors to gather information. SECTION 1480t—5. The assessor of each town, village or city, at the time he assesses the real estate, in his assessment district, shall require every owner, occupant or agent to give information concerning the existence of Canada thistles on lands owned or controlled by him. Such information shall state the area occupied and the location of Canada thistles on each tract, if any are found thereon.

(Ch. 191, 1907.)

Reports to central authorities. SECTION 1480t—6. The information, so gathered by such assessor, shall be by him reported to the town, village or city clerk and such clerk shall report to the county Canada thistle commissioner and such county commissioner shall report to the state Canada thistle board.

(Ch. 191, 1907.)

Tabulation of reports. SECTION 1480t—7. Such clerks and the county Canada thistle commissioner shall compile and

tabulate such reports as may be required by the state board in a book furnished by such state board.

(Ch. 191, 1907.)

Owners to destroy thistle. SECTION 1480t—8. Every person or corporation shall destroy, upon all lands occupied or controlled by such person or corporation, the weed known as Canada thistle, and at such times and in such manner as shall prevent such thistle from bearing seed and from perpetuating itself by means of seed, suckers and roots. In like manner shall such person or agent or corporation destroy the above mentioned thistle, standing or growing, as far as the center of the highways, lanes or alleys adjoining the lands so owned or controlled.

(Ch. 191, 1907.)

Entry and control of lands by commissioner. SECTION 1480t—9. The commissioner of each town, city or village, shall personally thoroughly investigate and inquire concerning the existence of Canada thistles in his districts, and shall notify in writing any person, agent or corporation owning, occupying, or controlling any lands therein, infested with such Canada thistle, and in case any such person, agent or corporation shall neglect for ten days after such notice to destroy any Canada thistle standing or growing upon any lands so owned or controlled or upon any highway, lane or alley, adjoining such lands as far as the center of such highway, lane or alley, it shall be the duty of the commissioner to enter upon such lands and to destroy, or cause to be destroyed, such Canada thistle and for the purpose of having full and sufficient power to destroy the same, the said commissioner may take charge of and control any tract of land, so infested, within his jurisdiction.

(Ch. 191, 1907.)

Agreements between commissioner and owner. SECTION 1480t—10. Whenever, in the judgment of the said Canada thistle commissioner, it is necessary for him to take full control of any lands infested by Canada thistles, during the growing season, he shall endeavor to make an agreement with the owner, corporation, occupant or agent as to what shall constitute the boundaries of such tract and if agreement be made with such owner, corporation, occupant or agent, such commissioner shall, thereafter, control such infested tract as long as is necessary to complete the work of extermination thereof. If no such

agreement can be made with such owner, corporation, occupant or agent, then such Canada thistle commissioner shall designate the boundaries of such tract and file his decision with the town clerk.

(Ch. 191, 1907.)

Appeals; special thistle tax. SECTION 1480t—11. Thereupon the owner, corporation, occupant or agent may, within five days, appeal, without bonds, to the county Canada thistle commissioner who shall proceed, with all reasonable dispatch, to examine such tract and he shall decide whether such tract shall, in whole or in part, be under full control of such Canada thistle commissioner or not. His decision, so rendered, in writing shall be final and shall specify, definitely as practicable, the location and limits of the tract or tracts to be so controlled. He shall present to the proper treasurer his itemized account for labor and material in the performance of his duties as Canada thistle commissioner, under section 1480t—10 of this act, verified by his oath and approved by the chairman, president or mayor as the case may be. Such account shall specify by separate items the amount chargeable to each piece of land describing the same and shall after being paid by the proper treasurer be filed with the town, city or village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "for the destruction of weeds" as a tax on lands on which such weeds were destroyed, which tax shall be collected as other taxes are collected.

(Ch. 191, 1907.)

Railroad thistle tax. SECTION 1480t—12. In case of railroad or other lands which are or may hereafter be exempt from taxation in the usual way, the amount chargeable against the same shall be certified by the commissioner to the board of supervisors, trustees or common council, as the case may be, who shall cause a copy thereof, certified by the proper officers, to be filed with the state treasurer, who shall add the amount designated therein to the sum due for taxes from the railroad company, or other agents of lands so exempt, owning, occupying or controlling the lands specified, and he shall collect the same therefrom as provided by law and return the amount collected to the town, city or village from which such certificate was received.

(Ch. 191, 1907.)

Delinquent officers and owners; penalty. SECTION 1480t—13. Any officer who shall neglect to perform any duty or do any act provided for by sections 1480t—1 to 1480t—12, inclusive, statutes of 1898, or any person refusing to give any information, make any report or do any other act provided for in said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment.

(Ch. 191, 1907.)

Annual town appropriations. SECTION 1480t—14. At the annual town meeting the electors may vote a sum of money for the destruction of Canada thistles to be expended under the direction of the town board for such purpose.

(Ch. 191, 1907.)

Annual state appropriation. SECTION 1480t—15. There is annually appropriated to the Wisconsin Canada thistle board, out of moneys in the general fund not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

(Ch. 191, 1907.)

Local option. SECTION 1480t—16. Sections 1480t—1, and 1480t—3 to 1480t—14, inclusive, shall be operative and in force and effect in any county only when the county board thereof shall, by a three-fifths vote of the members elected to such board adopt a resolution making such sections applicable to such county. Any such county board may by a resolution adopted by a like vote declare such sections no longer applicable to such county and such sections shall thereafter be inoperative and no effect in said county.

(Ch. 191, 1907.)

Previous laws not repealed. SECTION 1480t—17. Nothing contained in sections 1480t—1 to 1480t—17, inclusive, shall be construed as repealing in any manner any of the provisions of sections 1480, 1480a, and 1480b, statutes of 1898, as amended.

(Ch. 191, 1907.)

Method of hauling weed seed on highways. [SECTION 1481m.] No person, copartnership or corporation shall haul or