

appoint each year three competent peach growers for each election district of the several counties or for such of said election districts as said commissioners may deem fit to act as tree and fruit inspectors, who shall hold said office during the year following their appointment or during the pleasure of said county commissioners.

1904, art. 48, sec. 71. 1892, ch. 639, sec. 4.

69. It shall be the duty of said tree and fruit inspectors immediately after their appointment to give notice thereof in such newspapers of their county as they may select; and it shall be their duty whenever it comes to their notice that the disease known as the yellows exists in any trees or fruit in their respective districts to proceed forthwith to examine or cause to be examined the trees or fruit supposed to be infected, and if the disease is found after such examination to exist, a distinguishing mark shall be placed upon said diseased trees by said tree and fruit inspectors, or by some one directed by them, and the owner thereof notified personally or by a written notice left at his usual place of residence, or by leaving the notice with the person in charge of the trees or fruit, or in whose possession the same may be, said notice to contain a simple statement of the facts as found to exist, with an order to effectually remove and destroy by fire the trees so marked within fifteen days from the date of the service of said notice, and in case of fruit so infected, such notice shall require the person in whose possession or control it is found to immediately destroy the same or cause it to be destroyed by fire.

Ibid. sec. 72. 1892, ch. 639, sec. 5.

70. Whenever any person shall refuse or neglect to comply with the order to destroy the trees or fruit so ordered to be destroyed, it shall be the duty of said tree and fruit inspectors to lodge a complaint before one of the justices of the peace of the county, who shall forthwith summon the owner, or other person so neglecting or refusing, and upon being satisfied, after an examination into the facts, of the existence of the said disease in the trees or fruit as charged by said tree and fruit inspectors, it shall be the duty of said justice of the peace to forthwith issue an order to said tree and fruit inspectors, or one of them, or to a constable of said county to destroy said trees or fruit; and for the purpose of destroying the same it shall be lawful for said tree and fruit inspectors or constable to enter upon any premises in said county and seize said diseased trees or fruit wherever found, and have the same destroyed by fire.

Ibid. sec. 73. 1892, ch. 639, sec. 6.

71. It shall be the duty of said justice of the peace, in passing the order, as provided in the preceding section, to fix such fine and penalty as he may see fit, not exceeding the sum of ten dollars for each offense, and all costs incident to and attending such proceeding, and upon