

the contagious disease known as the "Yellows," or to offer for sale or shipment, or to sell or ship to others any such trees or the fruit thereof in any form, and any person convicted before any justice of the peace, of selling or shipping said trees or the fruit thereof in any form, knowing the same to be so diseased, shall be fined a sum not exceeding ten dollars and costs, or upon failure to pay the same, shall be confined in the county jail for a term not exceeding thirty days. Yellows.

SEC. 2. *And be it enacted*, That the trees and fruit so infected, shall be subject to destruction as public nuisances as hereinafter provided, and no damages shall be awarded in any court in the State, or by any justice of the peace thereof, for entering upon premises and destroying such diseased trees and fruit, if done in accordance with the provisions of this act, and it shall be the duty of every person as soon as he becomes aware of the existence of such disease in any tree or fruit owned by him, to forthwith destroy the same, or cause it to be destroyed. Nuisance.

SEC. 3. *And be it enacted*, That it shall be lawful for the Western Maryland Fruit Growers association of Washington County, to appoint each year three competent members thereof, for each election district in said county, or for such of said election districts as said association may deem fit, to act as commissioners, who shall hold said office during the year following their appointment, or during the pleasure of said association. Association.

SEC. 4. *And be it enacted*, That it shall be the duty of said commissioners immediately after their appointment to give notice thereof in such newspaper of said 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 election 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 commissioners, 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 or otherwise, the trees so marked within five 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. Notice.

SEC. 5. *And be it enacted*, That 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 commissioners to lodge a complaint before one of the justices of the