

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.

SEC. 5. *And be it enacted,* 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.

SEC. 6. *And be it enacted,* And 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 failure to pay said fine and costs, to commit said person to the county jail for a term not exceeding thirty days.

SEC. 7. *And be it enacted,* "Yellows," is hereby declared to be a contagious disease affecting the constitution and vital growth of the tree, and manifested by the following symptoms or one of them: 1st, a premature ripening of the fruit, which is flavorless, and with the color thereof not solid, but mottled or variegated; 2nd, wiry growth of shoots from the trunk or branches of the tree.

SEC. 8. *And be it enacted,* That said "Tree and Fruit Inspectors," together or any two or one of them may discharge the duties imposed by this act, and that they shall receive for each day of actual service a per diem of \$2.00 and in the same ratio for a fraction of a day, to be paid by the county commissioners of the county, as well as such other charges and expense as they shall be put to in the discharge of the duties of this act, which shall be paid by