

*ing a de novo appeal from the District Court*, shall be paid to the trustees of said college to be added to the funds herein provided for carrying out the provisions of this subtitle. If any nurseryman, dealer or agent sell, ship or deliver any trees, plants, shrubs or vines into or in this State, which are infected with San Jose scale, peach yellow, pear blight or other injurious diseases, and upon examination by the State Pathologist, State Entomologist or their assistants, are condemned by being so infected, the said trees, plants, vines and shrubs shall be destroyed, and the nurseryman, dealer or agent shall forfeit the value of such stock, and shall not collect the same from the purchaser or consignee.

93. Keeping infected trees on premises, selling infected trees or fruit.

It shall be unlawful for any person to keep or allow to be and remain on his lands or premises, in the State of Maryland, any peach, almond, apricot, nectarine or other tree infected with 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 diseased, or after he shall have been notified thereof by an inspector, shall be fined a sum not exceeding ten dollars and costs [ , and upon failure to pay the same shall be confined in the county jail for a term not exceeding thirty days].

94. Destruction of infected trees.

The trees and fruit so infected shall be subject to destruction as public nuisance as hereinafter provided, and no damages shall be awarded in any court of this State [or by any justice of the peace thereof] against any person or persons for entering upon lands or premises and destroying such diseased trees and fruit if done in accordance with the provisions of this subtitle, 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 by burning the same or cause it to be destroyed by burning.

97. Noncompliance with order of inspector.

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] *in the District Court sitting in the county*, [who] *which* 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 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] *the court* 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.