

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2640 Session of
1980

INTRODUCED BY THOMAS, YAHNER, WENGER, STUBAN, D. R. WRIGHT,
WASS, KLINGAMAN, HONAMAN, PITTS, W. W. FOSTER,
A. C. FOSTER, JR., PUNT, CALTAGIRONE, DeVERTER, BROWN,
BOWSER, KNIGHT, MADIGAN, PHILLIPS, WILT, GRIECO AND CHESS,
JUNE 11, 1980

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JUNE 11, 1980

AN ACT

1 Amending the act of March 22, 1862 (P.L.164, No.164), entitled,
2 as amended, "An act to provide for the destruction, and to
3 prevent the spread of Canada thistles, chicory and marihuana,
4 and imposing certain powers and duties upon supervisors and
5 constables in relation thereto," extending the act to include
6 Johnson grass.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The title and sections 1 and 2, act of March 22,
10 1862 (P.L.164, No.164), entitled, as amended, "An act to provide
11 for the destruction, and to prevent the spread of Canada
12 thistles, chicory and marihuana, and imposing certain powers and
13 duties upon supervisors and constables in relation thereto,"
14 amended May 26, 1939 (P.L.243, No.142), are amended to read:

AN ACT

15
16 To provide for the destruction, and to prevent the spread of
17 Canada thistles, chicory, Johnson grass and marihuana, and
18 imposing certain powers and duties upon supervisors and

1 constables in relation thereto.

2 Section 1. That from and after the passage of this act, it
3 shall be the duty of every person or persons, and of every
4 copartnership, association, or corporation holding land or lands
5 in any county or counties of this Commonwealth, either by lease
6 or otherwise, on which any Canada thistles, or weeds commonly
7 known as Canada thistles, or Cichorium intybus, the weed
8 commonly known as chicory or succory or blue daisy, or the weed
9 known as Johnson grass or the weed known as marihuana, may be
10 growing, to cut the same so as to prevent such weeds from going
11 to seed, and the seed of the same from ripening, and every
12 person or persons, or copartnership, association, or corporation
13 as aforesaid, who shall or may have land as aforesaid, and who
14 shall neglect or refuse to comply with the provisions of this
15 act, shall forfeit and pay a fine of fifteen dollars to the
16 treasurer of the school district in which such land may be
17 situated, to be recovered the same as debts of like amount are
18 now by law recoverable.

19 Section 2. That if any person or persons, or copartnership,
20 association, or corporation, so holding lands as aforesaid, on
21 which any Canada thistles or the weeds commonly known as such,
22 or Cichorium intybus, the weed commonly known as chicory or
23 succory or blue daisy, or the weed known as Johnson grass or the
24 weed known as marihuana, shall be growing and likely to ripen
25 seed thereon, shall neglect or refuse to cut and destroy the
26 same so as to prevent the seed thereof from ripening, it shall
27 and may be lawful for any person or persons, who may consider
28 themselves aggrieved or about to be injured by such neglect or
29 refusal, to inform by written notice any constable or supervisor
30 of the township or district in which the said weeds may be

1 growing, whose duty it shall then be to give five days' notice
2 in writing to such person or persons, or copartnership,
3 association, or corporation to cut and destroy such weeds, and,
4 on their neglect or refusal to cut and destroy the same at the
5 end of five days, it shall be the duty of the officer giving
6 such notice to enter upon such premises, with such other person
7 or persons as he may employ, and cut down and destroy such
8 weeds, and the said officer or other persons so employed shall
9 be entitled to recover from such person or persons, or
10 copartnership, association, or corporation, owning or holding
11 land as aforesaid, compensation for necessary man labor, horse
12 labor, and machinery, at the same rate as paid by the township
13 or district for similar work on the roads, and the officer
14 serving such notice shall likewise be entitled to a fee of fifty
15 cents, together with six cents mileage for each mile circular
16 necessarily traveled, to be recovered as debts of like amount
17 before any justice or court in said counties.

18 Section 2. Section 3 of the act, reenacted May 26, 1939
19 (P.L.243, No.142), is reenacted to read:

20 Section 3. It shall be the duty of the supervisor or
21 supervisors of the public roads or highways in every township or
22 district as aforesaid, to cut and destroy in the same manner all
23 such weeds on or along such roads, and in case of unseated or
24 mountain lands, whenever it shall come to the knowledge of
25 either the supervisor or constable of the existence of any such
26 weeds thereon, it shall be his duty to notify the owner or
27 owners, or agents of said lands in writing, giving ten days'
28 notice, to cut and destroy the same as aforesaid, and upon
29 failure to comply at the end of ten days, such officer or any
30 person or persons employed by him, shall proceed in the manner

1 hereinbefore provided, with like fees and compensation, and if
2 any such constable or supervisor shall neglect or refuse to
3 perform his duties as prescribed by this act, he shall be liable
4 to a fine of ten dollars, the same to be sued for and recovered
5 as aforesaid, by the party or parties aggrieved or about to be
6 injured by such neglect or refusal.

7 Section 3. This act shall take effect in 60 days.