

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

(Am. 1911, c. 664, s. 76.)

Approved June 24, 1911.

No. 444, A.]

[Published June 26, 1911.

CHAPTER 434.

AN ACT to amend section 1494—1, to create section 1494—1a, to amend sections 1494—3, 1494—4, to create section 1494—5a, to amend section 1494—6, to create section 1494—6a, to repeal section 1494—7, to create a new section to be designated section 1494—7, to create sections 1494—7a and 1494—7b, to amend section 1494—8, and to create section 1494—10n, of the statutes, relating to the control of San Jose scale and other injurious insects and fungus diseases, and to the inspection of orchards, nurseries, parks, cemeteries and public places.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1494—1 of the statutes is amended to read: Section 1494—1. 1. The * * * *governor* shall designate some person as the state orchard and nursery inspector, * * * *who shall carry out the provisions of * * * sections 1494—1 to 1494—10n, inclusive, under his direction.*

2. Said inspector shall either personally or through his deputy or deputies, inspect any nursery, fruit or garden plantation, park, cemetery, private orchard, public places and any place that he has reason to suspect is infected with San Jose scale or other injurious insects or fungus diseases. For this purpose he or his deputy or deputies shall have free access to any field, garden, packing grounds, buildings, cellar or other place where his duties of carrying out the provisions of this act shall call him, and any person attempting to hinder, *thwart or defeat* such inspection by misrepresentation or concealment of facts or conditions or otherwise shall be liable to the payment of penalty or forfeiture as hereinafter provided.

(Am. 1911, c. 664, s. 70.)

SECTION 2. There is added to the statutes a new section to read: Section 1494—1a. It shall be unlawful for any person, firm or corporation in this state who is engaged in the growing and propagation of trees, shrubs, plants and vines for sale, to knowingly permit any San Jose scale or other dangerous insects or fungus diseases to exist in their nurseries or on their property adjacent to the nursery. It shall also be unlawful to sell or offer for sale any such infested or infected stock.

SECTION 3. Sections 1494—3 and 1494—4 of the statutes are amended to read: Section 1494—3. If the inspector in carrying out the provisions of * * * *sections 1494—1 to 1494—10n, inclusive*, shall find upon examination any orchard, small fruit plantation, park, cemetery or any public place infested with San Jose scale or other injurious insects and fungus diseases, he shall notify the owner or the person having charge of such premises in writing to that effect, and the owner or person having charge of the premises shall within ten days after such notice * * * *cause the removal of such trees, plants or shrubs, if incapable of successful treatment, otherwise cause them to be treated as the inspector may direct.* Failure to comply with * * * *this section shall * * * subject the person failing to a penalty or forfeiture as hereinafter provided.*

Section 1494—4. Whenever any trees, shrubs, plants or vines are shipped *in this state, or into this state from another state, country or province without a valid certificate plainly fixed on outside of package, box or car containing the same, showing that the contents have been inspected by a duly appointed state or government official, * * * and pronounced apparently free from San Jose scale or other injurious insects or fungus diseases, the fact must be promptly reported to said inspector by the railroad, express or steamboat company, or other persons carrying the same, with the statement of the source whence such articles came and the party to whom they are addressed.* Further, said carrier shall refuse all such shipments of nursery stock. Failure to comply with this * * * *section shall * * * subject the person or the carrier so failing to a fine of not less than fifty dollars * * * nor more than one hundred dollars.*

SECTION 4. There is added to the statutes a new section to read: Section 1494—5a. Nurserymen shall make application to the state orchard and nursery inspector for inspection of their stock, on or before June 15th of each year. Failing to comply with this section said nurserymen shall be liable for extra charges to cover traveling expenses of the inspector.

SECTION 5. Section 1494—6 of the statutes is amended to read: Section 1494—6. 1. Said orchard and nursery inspector shall cause to be issued to owners of any nursery in this state after the nursery stock has been inspected by authorized official inspectors and found to be apparently free from San Jose scale * * * *or other injurious insects and fungus diseases, a certificate setting forth the fact of such inspection and the number of acres or fraction thereof inspected and may issue a license permitting any nursery so inspected to offer for sale*

nursery stock in this state. * * * *Said* license and certificate * * * shall be valid not to exceed one year from October 1st, unless revoked for cause by the state inspector.

2. The cost of each such license shall be * * * five dollars for nurseries occupying less than one acre and ten dollars for all nurseries occupying more than one acre, except as follows: In case only small, cane or bush fruit plants are propagated for sale, a fee of five dollars shall be charged for less than five acres, and ten dollars for five or more acres. Wilful misrepresentation or false declaration of acreage, or character, or variety, or quality of stock, in a nursery or offered for sale, shall constitute a misdemeanor punishable by penalty or forfeiture as hereinafter provided. All persons, firms or corporations selling nursery stock in the state shall furnish the chief inspector with copies of all their literature which is printed or mimeographed, including catalogs, price-lists, order forms, contracts and agreements which are furnished for the use of agents or customers or both. * * *

SECTION 6. There is added to the statutes a new section to read: Section 1494—6a. Any person, firm or corporation, other than an agent working on commission, engaged in selling nursery stock in this state, that grows no nursery stock shall be considered a dealer and must secure a dealer's license by paying a fee of five dollars and furnishing a sworn affidavit that he will sell only stock which has been duly inspected and certified by an official state inspector. Failure to comply with this requirement shall subject any person, firm or corporation, so failing, to a penalty or forfeiture as hereinafter provided.

SECTION 7. Section 1494—7 of the statutes is repealed.

SECTION 8. There is added to the statutes a new section to be designated and to read: Section 1494—7. Any person, firm or corporation outside the state desiring to sell nursery stock at retail, through agents or by mail order in the state, shall first obtain a license by the payment of five dollars and by filing a duplicate copy of their official certificate signed by the state inspector. Nursery firms outside the state that carry on an exclusively wholesale business in the state are not required to obtain a license, but shall file a duplicate copy of their official certificate signed by the chief inspector.

SECTION 9. There are added to the statutes two new sections to read: Section 1494—7a. Agents selling nursery stock on commission in the state for any person, firm or corporation located in the state, or outside the state, shall be required to carry a duplicate copy of the license held by the principal. Said duplicate licenses to be issued only by the official inspector

after receiving from the principal a signed statement that the applicant is a bona fide agent working on commission. The cost of each duplicate license issued shall be one dollar.

Section 1494—7b. Any person, persons or company importing plants or nursery stock from foreign countries shall notify the inspector of such shipment, its date of arrival, nature of the shipment, and shall hold such shipment unopened until duly inspected and released by the inspector. If acting as agents for a party or parties holding a license, they are required to obtain agents' duplicate license. Failure to comply with this requirement shall be subject to payment of a penalty or forfeiture as hereinafter provided.

SECTION 10. Section 1494—8 of the statutes is amended to read: Section 1494—8. Any person or company who shall engage in the selling and shipping of fruit trees in the state is hereby required to * * * *attach to each package, box, bale or carload lot, tags on which a certified copy of their valid license shall be printed. The use of tags bearing an invalid or altered certificate is hereby prohibited. Any person, firm or corporation * * * failing to comply with this provision shall be liable to the payment of a penalty or forfeiture of license as hereinafter provided.*

SECTION 11. There is added to the statutes a new section to read: Section 1494—10n. It shall be the duty of each district attorney to whom the director of the agricultural experiment station or his deputy shall present satisfactory evidence of violation of any provision or provisions of sections 1494—1 to 1494—10n, inclusive, to institute and prosecute without delay, appropriate proceedings in the proper court for the enforcement of the provisions of said sections.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved June 24, 1911.

No. 452, A.]

[Published June 26, 1911.

CHAPTER 435.

AN ACT to amend subsections 2, 3 and 6, of section 1319, of the statutes, and to create subsection 6a, of section 1319, of the statutes, relating to aid for county bridges.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 2, 3 and 6, of section 1319, of the statutes, are amended to read: (Section 1319) 2. When such bridge to be constructed or repaired is located wholly or partly