

of the president and secretary of the board of regents of the amount expended for the purpose mentioned in this section, draw his warrant in favor of the treasurer of said board for one-half of the amount so certified to as actually expended.”

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

Approved April 14, 1899.

No. 340, S.]

[Published April 15, 1899.

CHAPTER 180.

AN ACT to prevent the introduction or spread of San Jose scale and other injurious insect and fungus diseases, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The director of the agricultural experiment station of the university of Wisconsin is hereby authorized to inspect through his agent, any nursery or any fruit or garden plantation, or any unplanted or heeled-in nursery stock in this state, that he has reason to suspect is infested by San Jose scale or other injurious insects and fungus diseases, and for this purpose his agent shall have free access to and egress from any field, garden, packing ground, building, cellar or other place where the duties of carrying out the provisions of this act shall call him, and any person attempting to hinder such inspection by misrepresentation, or otherwise, shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

Director of
agricultural
experiment
station to
inspect
nurseries.

Duty of
director or his
agent.

SECTION 2. In case the agent of the said director shall find present on any nursery premises, or packing ground, or in any cellar or building used for the storage of nursery stock, or in any fruit or garden plantation any of the aforesaid San Jose scale or other injurious insects and fungus diseases, he shall notify the owner, or the person having charge of such premises for the owner, in writing to that effect, and if such owner, after receiving such notice, shall ship or deliver any trees, vines, shrubs or plants affected by such San Jose scale or other injurious insects and fungus diseases, he shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

Duties of
shipping
companies.

SECTION 3. Whenever any trees, shrubs, plants or vines are shipped into this state from another state, country or province, without a certificate plainly fixed on the outside of the package, box or car, containing the same, showing that the contents had been inspected by a duly appointed state or government officer, and that they appear free from San Jose scale and other injurious insects and fungus diseases, the fact must be promptly reported to the said director by the railway, 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; and any railway, steamboat or express company or person who shall violate the provisions of this section shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

Director may
demand list
of sales of
nursery stock.

SECTION 4. Any person growing or offering for sale in this state any nursery stock that is known to be infected with San Jose scale or other injurious insects and fungus diseases, shall, upon the demand of the said director, furnish within twenty days, a list of all persons, as far as to him known, to whom he has sold or delivered any such stock, together with the post office address of each of such persons, so far as to him known; such information shall be preserved and be for the sole use of the said director

and his agent in carrying out the provisions of this act. And any person violating the provisions of this section shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

SECTION 5. The said director shall cause to be issued to the owner of any nursery in this state, after the nursery stock therein has been properly inspected, and found to be apparently free from San Jose scale or other injurious insects and fungus diseases, an official certificate to that effect, good for a period not to exceed one year, upon a payment to the said director the sum of five dollars for each ten acres of land owned or leased by such nurseryman in this state that is devoted wholly or in part to nursery stock, grown for sale purposes; and such owner may apply to said director for inspection of his premises for the purposes of securing such certificate, and the said director shall cause such inspection to be made within three months after receiving such application, unless such inspection shall be delayed by winter weather, but no such certificate shall be issued covering only a part of the nursery stock owned by one person, nor to cover nursery stock received after such inspection was made; and any such certificate may be cancelled by the said director upon the discovery in such nursery of the San Jose scale or other injurious insects and fungus diseases.

Director to issue certificates of inspection. Fees for same.

When certificate may be cancelled.

SECTION 6. Any nurseryman holding a valid certificate, issued as prescribed in section 5 of this act, may apply to the said director for official labels or tags, for which the said director may charge a sum not to exceed thirty cents per hundred, which labels or tags shall certify that the packages or bundles of nursery stock to which they are attached are from nursery stock that has been officially inspected and found apparently free from San Jose scale or other injurious insects and fungus diseases; but no such tags or labels shall be used for stock not covered by the aforesaid certificate nor after such certifi-

Director to furnish tags for shipping purposes.

cate has expired or been cancelled; and no person shall attempt to imitate or counterfeit such tags or labels. Any person violating the provisions of this section shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

Penalty for violations.

SECTION 7. In case any person shall violate any of the provisions of this act, he shall be liable for the payment of a penalty or forfeiture of not less than twenty-five dollars nor more than one hundred dollars for each and every such violation. Such penalty or forfeiture may be sued for and recovered in a civil action, as provided in chapter 142 of Sanborn & Berryman's annotated statutes.

Director to make report of operations.

SECTION 8. The director of the experiment station shall make a report to the secretary of state on the last week day of May of each year, of all operations carried out under the provisions of this act, and shall turn over all moneys received by him or by his agents in carrying out its provisions to the state treasurer, to be by him credited to the general fund.

Compensation of agent.

SECTION 9. The director's agent shall be compensated for time actually and necessarily expended in carrying out the provisions of this act, but such compensation shall in no case exceed three dollars per diem and necessary traveling expenses, but the said director of the experiment station shall receive no compensation for carrying out the provisions of this act.

Expenses, how paid.

SECTION 10. All expenses incurred under the provisions of this act shall be approved by the director of the experiment station, and be audited by the secretary of state, and the secretary of state shall draw his warrant for the same upon the state treasurer, who shall pay the same out of the general fund, and for this purpose the sum of three hundred dollars or as much thereof as may be necessary is hereby annually appropriated.

SECTION 11. This act shall take effect and be in force from and after June first, 1899.

Approved April 14, 1899.