

SECTION 3. All acts or parts of acts inconsistent herewith so far as so inconsistent are repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved July 9, 1907.

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No. 399, S.]

[Published July 12, 1907.]

## CHAPTER 529.

AN ACT to amend chapter 180 of the laws of 1899, and to add the provisions thereof to the statutes as sections 1494—1 to 1494—10, relating to the prevention of the introduction or spread of San Jose scale and other injurious insect and fungus diseases and to the inspection of nurseries; and making an appropriation therefor.

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

SECTION 1. Chapter 180 of the laws of 1899 is amended, and the provisions thereof incorporated in the statutes as ten new sections to be known as sections 1494—1 to 1494—10 to read:

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

Approved July 9, 1907.

**Finances; bond of secretary.** SECTION 1492e—18. From the funds so received all proper and reasonable expenses of the board and each of its members incurred in carrying out, maintaining and enforcing the provisions of this chapter may be paid. No part of such expenses shall be paid out of the state treasury. Any excess of receipts over disbursements shall be held by the board for future expenses of the board and its members. The secretary of the board shall have charge of the funds and shall be required to give bond in such terms as the board may see fit.

(Ch. 334, 1907.)

**Castration.** SECTION 1492e—19. This act shall not apply to persons engaged in the business of castrating domestic animals.

(Ch. 334, 1907.)

**Repeal.** SECTION 1492f, statutes of 1898, is repealed.

(Ch. 334, 1907.)

**Extermination of San Jose scale, etc.: inspector's access to premises.** SECTION 1494—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 infected with San Jose scale or other injurious insects or 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.

(Ch. 529, 1907.)

**Insects or diseases found—inspector's notice—no shipments.** SECTION 1494—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 on 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 insect or fungus disease, he shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

(Ch. 529, 1907.)

**Uninspected shipments into state: carrier's and consignee's duties.** SECTION 1494—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 steam boat 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 person or company who shall \* \* \* receive and offer for sale any plants, trees or shrubs not labeled as provided by this section* shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

(Ch. 529, 1907.)

**Infected nursery stock traced after sale.** SECTION 1494—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 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 postoffice address of each of such persons, so far as to him known; such information shall be preserved and be for the sole use of 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.

(Ch. 529, 1907.)

**Healthy stock certificate; inspector's fees and expenses.** SECTION 1494—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 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 purpose of securing such certificate, and the said director shall cause such inspection to be made within three months after receiving the 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 or fungus diseases.

*Any person or company requesting inspection after September 15th shall pay in addition to the regular fee the expenses of the director of the experiment station or his agent incurred in making the inspection.*

(Ch. 529, 1907.)

**Official tags for healthy stock; misuse.** SECTION 1494—6. Any nurseryman holding a valid certificate, issued as prescribed in section 1494—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 30 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 certificate has expired or been cancelled; and no person shall attempt to immitate 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.

(Ch. 529, 1907.)

**Penalty for violations.** SECTION 1494—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.

(Ch. 529, 1907.)

**Annual report by experiment station.** SECTION 1494—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.

(Ch. 529, 1907.)

**Compensation of agents.** SECTION 1494—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 travelling expenses, but the said director of the experiment station shall receive no compensation for carrying out the provisions of this act.

(Ch. 529, 1907.)

**Payment of expenses; appropriation.** SECTION 1494—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 \* \* \* *one thousand* dollars or as much thereof as may be necessary is hereby annually appropriated.

(Ch. 529, 1907.)

**Concentrated feeding stuffs: bran and middlings included; sales by mills and breweries.** SECTION 1494—11. The term "concentrated commercial feeding stuffs," as used in this act, shall include linseed meals, cotton seed meals, pea meals, cocoanut meals, oil meals of all kinds, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrene feeds, hominy feeds, cerealine feeds, distillers' grains, dried