

of such buildings, together with the other improvements herein provided for, will not exceed the respective appropriations herein made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.

No. 394, S.]

[Published June 19, 1909.

## CHAPTER 468.

AN ACT to repeal sections 1494—1 to 1494—10, inclusive, of the statutes, and to create twelve new sections to be numbered 1494—1 to 1494—10, inclusive and 1494—10l and 1494—10m of the statutes, relating to the introduction of San Jose scale and other injurious insects and fungus diseases, and to the inspection of orchards, nurseries, parks, cemeteries, and other public places.

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

SECTION 1. Sections 1494—1, 1494—2, 1494—3, 1494—4, 1494—5, 1494—6, 1494—7, 1494—8, 1494—9, and 1494—10 of the statutes are repealed.

SECTION 2. There are added to the statutes twelve new sections, to be numbered from 1494—1 to 1494—10, respectively, and 1494—10l and 1494—10m, to read: Section 1494—1. The director of the agricultural experiment station of the university of Wisconsin shall designate some person as the state orchard and nursery inspector, and to carry out the provisions of this act under his direction. 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 such inspection by misrepresentation or otherwise shall be liable to the payment of penalty or forfeiture as hereinafter provided.

Section 1494—2. In case the inspector shall find present on any nursery premises or packing ground or in any cellar or building used for storage of nursery stock, any of the aforesaid San Jose scale or other injurious insects and fungus dis-

eases, he shall notify the owner or person having charge of the premises, 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 said San Jose scale or other injurious insects and fungus diseases, he shall be subject to payment of penalty or forfeiture as hereinafter provided.

Section 1494—3. If the inspector in carrying out the provisions of this act 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 take steps to remove infested trees, plants, or shrubs, as directed by the inspector. Failure to comply with this act shall be subject to penalty or forfeiture as hereinafter provided.

Section 1494—4. Whenever any trees, shrubs, plants, or vines are shipped into this state from another state, country, or province without 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, showing that they are 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 provision of this act shall be subject to a fine of not less than fifty dollars and not more than one hundred dollars.

Section 1494—5. Any person growing or offering for sale in this state stock that is known to be infested with San Jose scale or other injurious insects and fungus diseases shall, upon demand of inspector, furnish within ten days a list of all persons so 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 the inspector in carrying out the provisions of this act. Any person violating the provisions of this section shall be liable to payment of a penalty or forfeiture as hereinafter provided.

Section 1494—6. 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 and other injurious insects and fungus diseases, a certificate setting forth the fact of such inspection, and a license permitting any nursery so inspected to offer for sale nursery stock in this state. The license and certificate to run not to exceed one year. The cost of each such license shall be ten dollars. No person, firm or corporation shall engage or continue in business of selling within the state or importing into the state fruit trees, plants, or nursery stock without first having obtained a license to do business in the state as provided by this act. Agents and others offering for sale nursery stock in this state shall be required to obtain a duplicate copy of the license held by the principal from the orchard and nursery inspector at the cost of one dollar each. Failure to comply with this requirement shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

Section 1494—7. Any person, firm, or corporation outside of the state may obtain a license to sell plants or nursery stock in the state upon the payment of ten dollars and by filing a copy of official inspection with the nursery inspectors to the effect that said stock has been duly inspected by authorized inspector. Agents and others selling nursery stock in the state for any nurseries outside of 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 at the cost of one dollars for each duplicate license issued. Persons, firms, or corporations doing mail order business in this state shall be required to take out a license in the same matters, [manner] and merchants and other retailing nursery stock of any description when not acting as agents shall be required to take out a license. Any person, persons, or company importing plants or nursery stock from foreign countries shall notify the inspector of such shipment, its date or 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 may be subject to payment of a penalty or forfeiture as hereinafter provided.

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 obtain from the orchard and nursery inspector official tags upon which a certified copy of the license shall

be printed, and each package, box, or carload lot shall be provided with such tags. Said tags to be issued only by the official inspector at a cost not exceeding thirty cents per hundred. Failure to comply with this provision shall be liable to the payment of a penalty or forfeiture of license as hereinafter provided.

Section 1494—9. Growers of small fruits not engaged in a regular nursery business who may exchange or give away plants in their immediate vicinity, and so long as such exchanging is confined within the state, shall not be required to take out a license. The selling or bartering of trees, shrubs, or plants by an unlicensed person or persons with a person or persons holding a license doing regular nursery business is prohibited by this act.

Section 1494—10. The state orchard and nursery inspector is hereby authorized to appoint a deputy or deputies or assistants, subject to the confirmation of such appointment by the director of the agricultural experiment station. The pay of such deputy or deputies or assistants shall not exceed five dollars per diem when actually engaged in the work of inspection, together with the necessary traveling expenses. The state orchard and nursery inspector shall receive no compensation apart from the necessary traveling expenses when on official business.

Section 1494—10l. Any person or persons, corporation or corporations, transportation companies, common carriers, private owners of orchards, and public associations of parks, cemeteries, etc., violating any provision of this act shall be guilty of a misdemeanor and shall either forfeit his license or be fined the sum of not less than twenty-five dollars and not more than five hundred dollars, or both.

Section 1494—10m. The fees as provided for in this act shall be used for the carrying out [of] the provisions of this act and the state shall in no manner or on any account become liable for nor pay any salary or expense incurred under the provisions of this act. The state orchard and nursery inspector shall keep an accurate account of moneys received and expended, and file an annual report of the work done and expenditures and collections with the director of the agricultural experiment station. The state inspector shall further publish as directed by the director of the agricultural experiment station of the university of Wisconsin an annual report covering the essential phases of the nursery inspection and the general conditions pertaining thereto.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.

No. 610, S.]

[Published June 19, 1909.

## CHAPTER 469.

AN ACT to amend section 347b of the statutes, relating to copies of the Wisconsin supreme court reports to be furnished to the state without expense.

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

SECTION 1. Section 347b of the statutes is amended to read: Section 347b. The supreme court reporter shall have no pecuniary interest in such reports; but the same shall be published under the supervision of the reporter by contract to be entered into by the commissioners of the public printing with the person or persons or corporation who shall agree to publish and sell the same on the most advantageous terms to the people of this state, at a price not exceeding two dollars per volume of not less than seven hundred and fifty nor more than eight hundred pages; and if such volume shall in any way or from any cause contain more than eight hundred pages no increased or additional price shall be charged therefor; and also to publish and deliver to the secretary of state at the earliest practicable time and within sixty days after the delivery of the manuscripts for any one copy of reports to the publishers at the capitol in Madison \* \* \* three hundred and fifty copies without expense or charge to the state in any respect, and shall agree to stereotype the same and at all times keep the same on sale in the state of Wisconsin to residents thereof, at the contract price, in suitable quantities and at such place or places as may be designated by said commissioners, and furnish the state any number of additional copies that may be thereafter required at the contract price, and procure new stereotype plates whenever the original plates shall become defaced or destroyed. The copyrights of all the reports hereafter published shall vest in the secretary of state for the benefit of the people of this state; but this shall not be construed to prevent the contractor by whom any volume is published, his representatives or assigns, from continuing the publication and sale of such volume so long as he or they shall comply in all respects with the requirements of this chapter in respect to the character, sale and price of such volumes. The