

HOUSE No. 349.

Bill accompanying the petition of Charles L. Dean, mayor of the city of Malden, for legislation to provide for suppressing depredations by the brown-tail moth, gypsy moth and other insects injurious to vegetation. Agriculture. January 26.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

AN ACT

To provide for Suppressing Depredations by the
Brown-Tail Moth, Gypsy Moth and Other Insects
injurious to Trees, Shrubs and Vegetation.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The state board of agriculture is
2 hereby authorized, empowered and directed to
3 provide and carry into execution all reasonable
4 measures to control and to prevent the spreading
5 in this Commonwealth of the brown-tail moth,
6 gypsy moth and other insects injurious to trees,
7 shrubs and vegetation, and to this end said board
8 shall have full authority to provide all necessary

9 material and appliances, and to employ such
10 competent persons, servants and agents as it
11 shall from time to time deem necessary in the
12 carrying out the purposes of this act; and
13 said board shall also have the right itself or by
14 any persons, servants or agents employed by it
15 under the provisions of this act to enter upon
16 the lands of any person.

1 SECTION 2. The owner of any land so entered
2 upon who shall suffer damage by such entry and
3 acts done thereon by said state board of agricul-
4 ture or under its direction, may recover the same
5 of the city or town in which the lands so claimed
6 to have been damaged are situate, by action
7 of contract; but any benefits received by such
8 entry and the acts done on such lands in the exe-
9 cution of the purposes of this act shall be deter-
10 mined by the court or jury before whom such
11 action is heard, and the amount thereof shall be
12 applied in reduction of said damages; and the
13 Commonwealth shall refund to said city or town
14 one-half of the amount of the damages recovered.

1 SECTION 3. Said state board of agriculture
2 shall have full authority to make from time to
3 time such rules and regulations in furtherance of
4 the purposes of this act as it shall deem needful,
5 which rules and regulations shall be published in
6 one or more newspapers published in the county
7 of Suffolk; and copies of such rules and regula-
8 tions shall be posted in at least three public

9 places in each city or town in which said moths
10 and insects shall be found by said board to exist,
11 and a copy thereof shall be filed with the city
12 clerk of each such city and with the town clerk
13 of each such town; and any person who shall
14 knowingly violate any of the provisions thereof
15 shall be punished for each violation by a fine not
16 exceeding twenty-five dollars.

1 SECTION 4. The state board of agriculture
2 shall keep a record of its transactions and a full
3 account of all its expenditures under this act, and
4 shall by its chairman or secretary make report
5 thereof, with such recommendations and sugges-
6 tions as said board shall deem necessary, on or
7 before the fourth Wednesday in January, to the
8 general court.

1 SECTION 5. Said board of agriculture shall
2 establish the rate of compensation of any persons,
3 servants or agents employed by it under this act,
4 the minimum wages paid to be not less than two
5 dollars per day, and all employees to be citizens
6 of the United States and residents of Massachu-
7 setts at least one year before being employed by
8 said board.

1 SECTION 6. Any person who shall purposely
2 resist or obstruct said state board of agriculture,
3 or any persons, servants or agents employed by it
4 under the provisions of this act, while engaged in
5 the execution of the purposes of this act, shall

6 be punished by a fine not exceeding twenty-five
7 dollars for each offence.

1 SECTION 7. Said state board of agriculture
2 may exercise all the duties and powers herein
3 conferred upon said board, by and through its
4 secretary and such members of said board as it
5 may designate and appoint to have in charge, in
6 conjunction with its secretary, the execution of
7 the purposes of this act.

1 SECTION 8. A sum not exceeding one hundred
2 thousand dollars is hereby appropriated out of the
3 treasury of the Commonwealth from the ordinary
4 revenue for the purpose of meeting the expendi-
5 tures authorized by this act.

1 SECTION 9. This act shall take effect upon its
2 passage.