

HOUSE No. 1122.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 22, 1899.

The committee on Agriculture, to whom was referred the petitions (with accompanying bill, House, No. 104) of Arthur M. Clement and others for legislation to provide for the inspection of nurseries; also the petition of John Bensley and others for legislation making an appropriation for investigating the habits of insects injurious to the cranberry and other agricultural interests of the Commonwealth; also the bill (introduced on leave) to provide for the inspection of nurseries and to prevent the introduction or distribution of injurious insects (House, No. 451), report the accompanying bill.

For the Committee,

NATHAN W. SHAW.

HOUSE OF REPRESENTATIVES, April 21, 1899.

The committee on Ways and Means, to whom was referred the bill to provide for the inspection of nurseries and orchards, to prevent the introduction therein of injurious insects, and to provide for an investigation of the habits of insects injurious to the cranberry, report that the same ought to pass with an amendment striking out section 4.

For the Committee,

FRANK P. BENNETT.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

To provide for the Inspection of Nurseries and Orchards, to prevent the Introduction therein of Injurious Insects, and to provide for an Investigation of the Habits of Insects Injurious to the Cranberry.

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 trustees of the Massachusetts
2 agricultural college, upon the passage of this act,
3 shall appoint one or more competent entomolo-
4 gists, who shall be known as state inspectors of
5 nurseries and orchards, to act under the direction
6 of the entomologist of the Hatch experiment sta-
7 tion of the Massachusetts agricultural college.
8 It shall be the duty of said inspectors to make in-
9 spections at least once each year of all nurseries
10 in the Commonwealth for the purpose of deter-
11 mining whether any of them may be infested with

12 the San José scale or other dangerously injurious
13 insects, and for this purpose may enter upon any
14 or all lands in this Commonwealth. If, upon said
15 examination, an inspector finds no San José scale
16 or dangerously injurious insects, he shall give to
17 the owner of the nursery an official certificate,
18 setting forth the results of the inspection, and
19 shall file a duplicate certificate with the director
20 of the experiment station; and in case he shall
21 find present any such insects, he shall notify the
22 owner of the infested stock, in writing, of the
23 same, and shall direct him to eradicate said scale
24 or insects by such means as the inspector shall
25 direct, and so far as possible, shall aid said owner
26 by advice and information.

1 SECTION 2. In the case of nursery stock com-
2 ing into the state under certificates issued by
3 legally authorized inspectors in other states or
4 countries, or by an official of the United States,
5 said certificates shall be accepted in lieu of exam-
6 ination.

1 SECTION 3. It shall be the duty of said in-
2 spectors, upon request of any citizen of the Com-
3 monwealth, or in cases where an inspector has
4 reason to suspect the presence of the aforemen-
5 tioned scale or insects, to examine the suspected
6 orchards or estates as soon thereafter as practic-
7 able, and if said scale or insects be found, shall
8 direct the owner of the infested stock to eradicate
9 said scale or insects as in section one.

1 SECTION 4. It shall be unlawful for any per-
2 son, transportation company or common carrier
3 to bring within this Commonwealth any package
4 containing trees, shrubs, vines, woody plants,
5 scions, buds or grafts, commonly known as nur-
6 sery stock, unless the same are accompanied by a
7 label stating that the package contains nursery
8 stock, and giving the addresses of the consignor
9 and consignee, and a certificate showing that the
10 contents of the package have been inspected with-
11 in one year previous to date of shipment by a
12 properly authorized official of the state or country
13 where such stock was grown, and found to be
14 apparently free from said scale or other danger-
15 ously injurious insects; and if, by oversight,
16 accident, negligence or otherwise, any package of
17 nursery stock is received at any depot, wharf or
18 warehouse in this state unaccompanied by such
19 certificate, said stock shall not be removed from
20 the place where it is first stored, and it shall be
21 the duty of the transportation company to notify
22 the inspector of the receipt of the same, the
23 disposition of such stock to be left to his dis-
24 cretion. In the case of stock coming in bond,
25 improperly labelled or without certificate, exami-
26 nation may be made at the discretion of the in-
27 spector at the custom or warehouse where such
28 stock is to be delivered. Any one offending
29 against the provisions of this section shall be liable
30 to a fine of not less than twenty-five dollars nor
31 more than two hundred dollars for each and every
32 offence.

1 SECTION 5. It shall be unlawful for any person
2 to offer for shipment by any transportation com-
3 pany or common carrier, at any point in this
4 Commonwealth, any package containing trees,
5 shrubs, vines, woody plants, scions, buds or
6 grafts, commonly known as nursery stock, unless
7 accompanied by a certificate of the state inspector
8 to the effect that the said stock has been examined
9 and found apparently free from the aforemen-
10 tioned scale or insects within the twelvemonth
11 next preceding the date of offering the stock for
12 shipment. Any one offending against the pro-
13 visions of this act shall be liable to a fine of not
14 less than ten dollars nor more than one hundred
15 dollars for each and every offence.

1 SECTION 6. It shall be the duty of the in-
2 spector, or one of the inspectors, under the direc-
3 tion of the entomologist of the Hatch experiment
4 station, to make investigations on the habits of
5 those insects that are destructive to the cranberry,
6 for the purpose of learning the best methods of
7 destroying or holding these insects in check, and
8 also, so far as possible, to investigate the habits
9 of the San José scale or other dangerously injuri-
10 ous insects, with a view to determining the
11 remedies best adapted for their treatment, and
12 also to make an annual report of the investiga-
13 tions, such report to be published with the neces-
14 sary illustrations at the expense of the Common-
15 wealth, in the form of a bulletin of the station,
16 and to be distributed by the director to those

17 persons whose names are, or may be on his mail-
18 ing list.

1 SECTION 7. A sum not exceeding three thou-
2 sand dollars per annum may be expended under
3 the provisions of this act for salaries, traveling
4 and other necessary expenses, and shall be paid
5 quarterly, in advance, by the treasurer of the
6 Commonwealth to the treasurer of the experiment
7 station, who shall pay to said inspector, or in-
8 spectors, the salary established for him or them
9 by the trustees of the college, and also their
10 traveling and other necessary expenses, upon the
11 presentation of proper vouchers.

