

ninety-seven, and shall be subject to the provisions of all acts relating to said commissioners.

SECTION 3. This act shall take effect upon its passage.

*Approved June 19, 1902.*

*Chap. 495* AN ACT TO AUTHORIZE THE STATE BOARD OF AGRICULTURE TO APPOINT A STATE NURSERY INSPECTOR AND TO PROVIDE FOR THE PROTECTION OF TREES AND SHRUBS FROM INJURIOUS INSECTS AND DISEASES.

*Be it enacted, etc., as follows:*

State nursery inspector, appointment, etc.

SECTION 1. The state board of agriculture shall annually appoint some person qualified by scientific training and practical experience, to be state nursery inspector, and he shall be responsible to the board for the performance of his duties as prescribed in this act. The said inspector may appoint such number of deputies, not exceeding three, as he may deem necessary or expedient.

May appoint deputies.

Nurseries, etc., to be inspected.

SECTION 2. It shall be the duty of the state nursery inspector, either personally or through his deputies, to inspect at least once each year all nurseries or places in the state where nursery stock is grown, sold or offered for sale, and if no dangerous insect or fungous pests are found therein a certificate to that effect shall be given.

Measures to be taken to suppress pests, etc.

If such pests are found therein the owner of the stock shall take such measures to suppress the same as the state nursery inspector shall prescribe, and no certificate shall be given until the said inspector has satisfied himself by subsequent inspections that all such pests have been suppressed.

Penalty for sale of nursery stock without certificate of inspection.

SECTION 3. Any owners of nurseries or of places in the state where nursery stock is grown, sold or offered for sale, who do not hold an unexpired certificate of inspection after the first annual inspection made after the passage of this act, who shall sell or otherwise dispose of nursery stock in the state, shall be subject to a penalty of not less than twenty-five nor more than one hundred dollars for each offence.

Certain owners of nurseries, etc., exempt from provisions of sections 2 and 3.

SECTION 4. Any owners of nurseries or of places in the state where nursery stock is grown, sold or offered for sale, who shall fumigate with hydrocyanic acid gas all stock which they sell, using at least two tenths of a gram of potassic cyanide to every cubic foot of space contained in the box, house or other place wherein this

fumigation is performed, which place shall be gas tight, and who shall expose the said stock to the fumes of this gas of the strength aforesaid for at least forty minutes, or who shall treat the stock which they sell by some other method approved by the state nursery inspector, and who shall make affidavit before a justice of the peace that all stock sold by them has thus been fumigated or treated, and who shall attach a copy of such affidavit to each package, box or car of stock sold, shall be exempt from the provisions of sections two and three of this act.

SECTION 5. All nursery stock shipped into this state from any other state, country or province shall bear on each box or package a certificate that the contents of said box or package have been inspected by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects or diseases. In case nursery stock is brought within the state without such a certificate the consignee shall return it to the consignor at the expense of the latter, or shall call the state nursery inspector to inspect the same: *provided, however*, that any package or box bearing a certificate of fumigation which meets the requirements specified in section four of this act may be accepted as though bearing a proper certificate of inspection.

Nursery stock shipped into this state to bear certificate of inspection, etc.

Proviso.

SECTION 6. The state nursery inspector shall determine the season for inspecting nurseries and the forms of certificates to be given, but in no case shall he issue a certificate which shall continue in force after the first day of July next following the date of inspection. He or any of his deputies shall at all times have the right to enter any public or private grounds in the performance of any duty required by this act. He and each of his deputies shall receive five dollars for each day's service required of them under this act, and the travelling and other expenses necessarily incurred in the said service.

Powers and duties of inspector, etc.

Compensation, etc.

SECTION 7. A sum not exceeding one thousand dollars may be expended by the state board of agriculture in carrying out the provisions of this act.

Certain sum may be expended.

*Approved June 19, 1902.*