

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 17, 1903.

H. F. No. 245.

Injurious insects and plant diseases.

State entomologist charged with execution of law.

Authorized to enter upon grounds for purpose of inspection.

May order treatment.

## CHAPTER 237.

*An act to prevent the introduction and spread of injurious insects and dangerous plant diseases in the State of Minnesota.*

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The entomologist of the state experiment station is hereby constituted the state entomologist and charged with the execution of this act. He may appoint such qualified assistants as may be necessary, fix a reasonable compensation for their labor, and pay the same; and their acts shall have the same validity as his own; he shall, by himself or his assistants, between the first day of May and the fifteenth day of September, in each year, when requested by the owner or agent, or when he has reasonable ground to believe that any injurious insect pests or dangerous and contagious plant disease exist, carefully examine any nursery, fruit farm or other place where trees or plants are grown for sale, and if found apparently free from any injurious insect pests or dangerous or contagious plant diseases, he shall issue his certificate stating the facts (good for one year unless revoked) and shall collect therefor a fee of five dollars (\$5.00) per day and expenses.

SEC. 2. The state entomologist shall have authority, when requested by the owner or agents, or when he has reasonable grounds to believe any injurious insect pests, or dangerous and contagious plant diseases exist, to enter upon any of the grounds mentioned in section 1 hereof, public or private, for the purpose of inspection, and if he finds any nursery, orchard, garden or other place, infested by any injurious insect pests, or dangerous and contagious plant diseases, he may, by himself or his assistants, enter upon such premises and establish quarantine regulations.

If, in his judgment, any insect pests, or dangerous and contagious plant diseases, may be eradicated by treatment, he may, in writing, order such treatment, and pre-

scribe its kind and character. In case any trees, shrubs or plants are found so infested that it would be impracticable to treat them, he may order them burned. A failure for ten days after the delivery of such order to the owner or persons in charge to treat or destroy such infected trees or plants as ordered, shall authorize the entomologist to perform this work by himself or his assistants, and to ascertain the cost thereof. He shall certify the amount of such cost to the owner or person in charge of the premises, and if the same is not paid to him within sixty days thereafter he shall certify the amount thereof to the county attorney, whose duty it shall be to proceed forthwith to collect the same of him in a civil suit, and return the amount so recovered over to the state auditor to reimburse the state for the money expended.

SEC. 3. When nursery stock is shipped into the state accompanied by a certificate of inspection by a state entomologist from the state from which the shipment has been made, stating that the stock has been inspected and found to be free from any injurious insect pests, or dangerous and contagious plant diseases, it shall be held prima facie evidence of the facts therein stated, but the state entomologist, by himself or his assistants, when he or they have reason to believe that any such stock is nevertheless infested by any injurious insect pests, or dangerous or contagious diseases, shall be authorized to inspect the same and submit it to like treatment as that provided for in section 2 hereof; and if, by reason of the failure for forty-eight hours of the owners of such stock to comply with the treatment prescribed or to destroy the stock if so ordered, the state entomologist or his assistants are required to perform the work themselves, and it shall be the duty of the entomologist to certify the amount of the cost thereof to the owner or the person in charge of such stock so treated or destroyed, and if the same is not paid to him within ten days thereafter, he shall certify the amount thereof to the county attorney of the county in which the stock may be found in an affidavit, and it shall be the duty of the county attorney to file said affidavit with the village, city or town clerk of the village, city or town in which said stock may be, and the same shall thereupon constitute a lien thereon, which it shall be the duty of the county attorney to proceed to collect forthwith in a civil suit, and to turn

Failure to  
obey such  
order.

Authorizes  
entomologist  
to perform  
work.

Costs.

Inspection  
certificate  
of nursery  
stock  
prima facie  
evidence.

Entomolo-  
gist may  
nevertheless  
inspect.

Costs.

Lien,  
collection.

over the amount recovered by him in such suit to the state auditor to reimburse the state for the money expended.

Nursery  
stock  
shipped  
into state  
must be  
accompanied  
by inspection  
certificate.

Failure to  
comply  
with law.

Fees and  
moneys  
collected to  
be paid  
into state  
treasury.

SEC. 4. It shall be unlawful for any person, firm or corporation to bring into the state any trees, plants, vines, cuttings and buds, commonly known as nursery stock, unless accompanied by a certificate of inspection by a state entomologist of the state from which the shipment is made, showing that the stock has been inspected and found apparently free from any injurious insect pests, or dangerous and contagious plant diseases.

SEC. 5. Any person violating or neglecting to carry out the provisions of this act, or offering any hindrance to the carrying out of this act, shall be adjudged guilty of a misdemeanor, and upon conviction before a justice of the peace, shall be fined not less than ten dollars, nor more than one hundred dollars for each and every offense, together with all the costs of the prosecution, and shall stand committed until the same are paid.

SEC. 6. All fees or other amounts collected or received by any person under the provisions hereof shall be by him forthwith turned into the state treasury to be paid over to the state auditor, to be added to the fund provided for combating injurious insects in Minnesota, and all expenses incurred in enforcing the provisions hereof shall be paid out of said fund.

SEC. 7. This act shall take effect and be in force from and after June 1st, 1903.

Approved April 17, 1903.