

These sections of the Kentucky Statutes, 1925a-1 through 1925a-7, were enacted in 1897 and repealed in 1926.



**§ 1925a-1. Nurseries to be inspected by state entomologist.**—That all nurseries in Kentucky, where trees, vines, plants or other nursery stock are grown and offered for sale, shall be inspected by the entomologist and botanist of the state agricultural experiment station once each year at such time as he may elect, and he shall notify, in writing, the owners of such nurseries, the commissioner of agriculture and statistics, the director of the state agricultural experiment station, and the president of the state horticultural society of the presence of any San Jose scale or other destructively injurious insects or fungi on the trees, vines, plants or other stock of such nurseries, and shall also notify, in writing,

the owner of any affected stock that he is required, on or before a certain day, to take such measures for the destruction of such insect or fungus enemies of nursery stock as have been shown to be effectual for this purpose. Said entomologist and botanist shall, for the purpose of this act, be, and he is hereby, declared to be the state entomologist, and shall serve without pay other than that he may receive as an officer of the state agricultural experiment station, but his expenses shall be paid as hereinafter provided.

**§ 1925a-2. Nursery owner to exterminate San Jose scale; penalty.**—The owner of this affected nursery stock shall, within the time specified, take such steps for the destruction of San Jose scale or other destructively injurious insect or fungus enemies present as will exterminate the same, and it shall be a misdemeanor to ship or deliver any of such stock, punishable by a fine of fifty dollars (\$50.00) for every such offense, the fine recoverable before a justice of the peace or by indictment by a grand jury of the county in which the nursery is situated, or of that to which such stock may have been shipped.

**§ 1925a-3. Nurseryman to attach certificate of examination to each package of trees sold; penalty.**—Whenever a nurseryman or seller of trees, vines, plants or other nursery stock, who is a resident of this commonwealth, shall ship or deliver any such goods, he shall send on each package so shipped or delivered a written certificate, signed by him, stating that the whole and every part of such stock has been examined by a state or government entomologist and found free from San Jose scale or other destructively injurious insect or fungus enemies. Failure to furnish such certificate, or furnishing a false certificate, shall render him liable to the penalty of a fine of fifty dollars (\$50.00) for each and every such shipment or delivery without such certificate.

**§ 1925a-4. State entomologist to furnish certificate that trees are free from San Jose scale.**—When the state entomologist examines any trees, vines, plants or other nursery stock in this state under the provisions of this act, and finds such nursery stock free from San Jose scale and other destructively injurious insect and fungus enemies, he is hereby authorized and di-

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rected to make out and deliver, in writing, to the owner of such stock a certificate stating that he has inspected such stock and found the same free from San Jose scale and other destructively injurious insect and fungus enemies, and he shall file similar certificates with the commissioner of agriculture and statistics and with the president of the state agricultural and mechanical college, which certificates shall at all times be subject to public inspection.

**§ 1925a-5. Nurserymen may have trees inspected.**—Whenever a nurseryman, fruit grower or agriculturist in this commonwealth shall know or have good reason to believe that his trees, vines or plants are affected with San Jose scale, yellows, rosette or other destructive insect or fungus enemies, he shall have the privilege and it shall be his duty to notify the state entomologist, who shall proceed to the premises designated and examine the same and suggest and recommend the proper remedies for the destruction of such insect or fungus enemies as may be present.

**§ 1925a-6. Trees shipped here from other states to have certificate of examination attached; penalty.**—Every package of trees, vines, plants or other nursery stock shipped into this state from another state shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, the contents, and a certificate, signed by a state or government inspector, showing that the contents have been examined by him, and that such stock is free from San Jose scale, or other destructive insect or fungus enemies. Whenever any trees, vines, plants or other nursery stock are shipped into this state without such a certificate plainly fixed on the outside of each package, the fact may be reported to any justice of the peace of this commonwealth, and said justice shall issue a summons for the consignee of such pack-

age, and the agent of the consignor, if he be known, to appear before him on a certain day, to be therein named, to show cause why such trees, vines, plants or other nursery stock should not be seized, as being in violation of the provisions of this act, and on trial thereof, if said justice be satisfied that the provisions of this act have been violated, he shall order said agent or consignee to return such package of trees, vines, plants or other stock immediately to the shipper or consignor, unless said consignee or agent shall forthwith, and at his own expense, have such trees, vines, plants or other nursery stock examined by the state entomologist, or such person as he may appoint to make the examination, and he certifies to the justice of the peace that such nursery stock is free from San Jose scale or other destructive insect or fungus enemies. If such consignee or agent fail to have such inspection made, or fail to return such packages to the shipper or consignor thereof, then the justice of the peace shall order and direct the constable or sheriff to burn and destroy, at the expense of the agent or consignee, all such trees, vines, plants or other stock as have been shipped into this commonwealth in violation of law.

**§ 1925a-7. Appropriation.**—The sum of five hundred dollars (\$500.00) annually, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the expenses of the state entomologist in the performance of his duties under the provisions of this act, and the auditor of public accounts is hereby directed to honor requisitions made by said state entomologist for expenses incurred in the performance of his duties, and the state entomologist shall make annual report to the treasurer of the amount expended. (This section is an act of May 20, 1897; the numbers of the sub-sections are the numbers of the sections of the act.)