
STATUTE AND CONCURRENT RESOLUTION

PASSED AT THE

THIRTY-NINTH (SECOND EXTRA) SESSION OF THE LEGISLATURE

1911



PROCLAMATION BY THE GOVERNOR.

CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

EXECUTIVE DEPARTMENT.

STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened;

Now, therefore, I, Hiram W. Johnson, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in legislative session at Sacramento, California, on the 24th day of December, 1911, at 12:05 P. M. of that day for the following purpose:

1. To consider and act upon a law for the protection of horticulture and to prevent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines or vegetables, and providing for a quarantine to prevent such introduction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the Great Seal of the State of California at my office in the State Capitol, this 23d day of December, in the year of our Lord one thousand nine hundred and eleven, and of the admission of the State of California, the sixty-first.

[SEAL]

HIRAM W. JOHNSON, Governor.

Attest: FRANK C. JORDAN, Secretary of State.

STATUTE AND CONCURRENT RESOLUTION

PASSED AT THE

THIRTY-NINTH (SECOND EXTRA) SESSION OF THE LEGISLATURE.

CHAPTER 1.

An act to provide for the protection of horticulture and to prevent the introduction into this state of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty therefor; providing that said act shall be an urgency measure and go into effect immediately, and repealing that certain act entitled "An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act," approved March 11, 1899.

[Approved January 2, 1912.]

The people of the State of California do enact as follows:

SECTION 1. Any person, persons, firm or corporation who shall receive, bring or cause to be brought into the State of California, any nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds or fruit pits, or fruit or vegetables, or seed, shall immediately after the arrival thereof notify the state commissioner of horticulture, or deputy quarantine officer, or quarantine guardian of the district or county in which such nursery stock, or fruit or vegetables or seed are received, of their arrival, and hold the same without unnecessarily moving the same, or placing such articles where they may be harmful, for the immediate inspection of such state commissioner of horticulture, or deputy quarantine officer or guardian. If there is no quarantine guardian or state horticultural quarantine officer in the county where such nursery stock or fruit or vegetable, or seed is received, it shall then be the duty of such person, persons, firm or corporation to notify the state commissioner of horticulture, who shall make immediate arrangements for their inspection. The state commissioner of horticulture, deputy quarantine officer, quarantine guardian or such person or persons as shall be commissioned by the state commissioner of horticulture to make such inspection, or to represent said commissioner, is hereby authorized and empowered to enter at any time into any car, warehouse, depot or upon any ship

Inspection
of articles
brought
into state.

Notice
of arrival
required.

Authority
of inspector.

within the boundaries of the State of California whether in the stream or at the dock, wharf, dock, mole, or any other place where such nursery stock or fruit or vegetables or seed or other described articles are received or in which such nursery stock or fruit or vegetables or seed is imported into the state, for the purpose of making the investigation or examination to ascertain whether such nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or seed is infested with any species of injurious insects, or their eggs, larvæ or pupæ or other animal or plant disease.

Disinfection.

If after such examination or inspection, any of the said described articles are found to be so infested or infected as aforesaid, then it shall be the duty of the owner, owners, or persons, firm or corporation having charge or possession thereof to so disinfect at his or their expense such portion or portions of the ship, dock, wharf, mole, car, warehouse or depot where said articles may have been located in such a manner as to destroy all infection or infestation present or that is liable to be present, and all articles or packages or soils apt to be so infested or infected shall be held until the said articles or packages or soils have been thoroughly disinfected and all injurious insects, or their eggs, larvæ or pupæ or other animal or plant disease have been eradicated and destroyed; *provided, however,* that all articles of nursery stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruits, vegetables or seed which are infested or infected with such species of injurious insects or their eggs, larvæ or pupæ or other animal or plant disease which may be or be liable to be injurious to the orchards, vineyards, gardens or farms within said state, shall be destroyed or reshipped out of the state as hereinafter provided. The said officer so making such inspection shall not permit any of the described articles so coming in contact with said infested or infected articles or any articles which might convey infection or infestation to be removed or taken from any such car, warehouse, depot, ship, dock, wharf or any other place until after such infection or infestation shall have been destroyed.

Nothing to be removed prior to disinfection.

Marking required on articles undergoing shipment.

SEC. 2. Each carload, case, box, package, crate, bale or bundle of trees, shrubs, plants, vines, cuttings, grafts, scions, buds or fruit pits, or fruit or vegetables or seed, imported or brought into this state, shall have plainly and legibly marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or owners or person forwarding or shipping the same, and also the name of the person, firm or corporation to whom the same is forwarded or shipped, or his or its responsible agents, also the name of the country, state or territory where the contents were grown and a statement of the contents therein.

Destruction of infested or infected articles.

SEC. 3. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, buds, fruit pits or seed or vegetables or fruit, imported or brought into this state, is found infested or infected with any species of injurious

insects, or their eggs, larvæ or pupæ or other animal or plant disease or there is reasonable cause to presume that they may be so infested or infected, which would cause damage, or be liable to cause damage, to the orchards, vineyards, gardens or farms of the State of California, or which would be or be liable to be detrimental thereto or to any portion of said state, or to any of the orchards, vineyards, gardens or farms within said state such shipment shall be immediately destroyed by the state commissioner of horticulture, his deputy quarantine officer, quarantine guardians or other person or persons, who shall be commissioned by the state commissioner of horticulture to make such inspection; *provided, however*, that if the nature of the injurious insects, or their eggs, larvæ, pupæ or animal or plant disease be such that no damage or detriment can be caused to the said orchards, vineyards, gardens or farms of California or any of the same by the shipment of the same out of the state, then the said state commissioner of horticulture, his deputy quarantine officer, quarantine guardians or other person or persons who shall be commissioned by the state commissioner of horticulture to make such inspection, and who shall make such inspection, shall notify the owner or person, firm or corporation having possession or control of said articles to ship the same out of the state within forty-eight hours after such notification, and it shall be the duty of such owner or owners, or person, firm or corporation, to so ship said articles, but such shipment shall be under the sole direction and control of the officer so making the inspection and shall be at the expense of the owner or owners, his or their agent or agents, and for a failure to comply with such notice such owner or owners, his or their agent or agents shall be deemed guilty of a violation of the terms of this act and be punished accordingly and immediately after the expiration of the time specified in said notice said articles shall be seized and destroyed by said officer at the expense of the said owner or owners, his or their agent or agents.

Shipment
out of state
of articles
found
infested or
infected.

SEC. 4. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, fruit, fruit pits, vegetables or seed, or any other horticultural or agricultural product passing through any portion of the State of California in transit, is infested or infected with any species of injurious insects, their eggs, larvæ or pupæ or animal or plant disease, which would cause damage, or be liable to cause damage to the orchards, vineyards, gardens or farms of the State of California, or which would be, or be liable to be, detrimental thereto or to any portion of said state, or to any of the orchards, vineyards, gardens or farms within said state, and there exists danger of dissemination of such insects or disease while such shipment is in transit in the State of California, then such shipment shall be placed within sealed containers, composed of metallic or other material, so that the same can not be broken or opened, or be liable to be broken, or opened, so as to permit any of the said shipment, insects, their eggs, larvæ or pupæ or animal or

Shipment
passing
through
state.

plant disease to escape from such sealed containers and the said containers shall not be opened while within the State of California.

Fruit fly.

SEC. 5. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any fruit or vegetable or host plant which is now known to be, or hereafter may become a host plant or host fruit of any species of the fruit fly family *Trypetidae* from any country, state or district where such species of *Trypetidae* is known to exist and any such fruit, vegetable, or host plant, together with the container and packing, shall be refused entry and shall be immediately destroyed at the expense of the owner, owners or agents.

Peach yellows or peach rosette.

SEC. 6. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any peach, nectarine, or apricot tree or cuttings, grafts, scions, buds or pits of such trees, or any trees budded or grafted upon peach stock or roots that have been in a district where the disease known as "peach yellows" or the contagious disease known as "contagious peach rosette" are known to exist, and any such attempting to land or enter shall be refused entry and shall be destroyed or returned to the point of shipment at the option of the owner, owners or agent, and at his or their expense.

Injurious animals.

SEC. 7. No person, persons, firm or corporation shall bring or cause to be brought into the State of California any injurious animals known as English or Australian wild rabbit, flying fox, mongoose or any other animal or animals detrimental to horticultural or agricultural interests.

Penalty.

SEC. 8. Any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Act an urgency measure.

SEC. 9. It is hereby determined and declared that this act and each and all of the provisions thereof, constitute and is an urgency measure necessary for the immediate preservation of the public safety and health. The facts constituting such necessity are as follows: There now exist in various islands and territory in close proximity to the State of California dangerous and injurious fruit and plant diseases and insects and animals, and heretofore fruits, vegetables, plants, seeds and other articles of horticulture and agriculture from said islands and territory have been and now are being shipped and brought into the State of California, which are to a large extent infested and infected with dangerous and injurious fruit and plant diseases and insects, their eggs, larvæ and pupæ, and which if continued to be brought into the state will cause great danger to the public health, and will greatly damage the horticultural and agricultural interests of said state, and will also be detrimental to the public health, and this act is necessary to provide ample power to prevent the introduction of such insects

and diseases and injurious animals into the state and to prevent the spread of such disease, insects and animals.

SEC. 10. That certain act entitled "An act for the protection of horticulture, and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this act," approved March 11, 1899, is hereby repealed.

Repeal of
former law.

SEC. 11. This act, being an urgency measure as above set forth, shall take effect and be in full force immediately from and after its passage.

In effect
immediately.

CONCURRENT RESOLUTION.

CHAPTER 1.

Assembly Concurrent Resolution No. 1—Relative to adjournment sine die.

[Filed with Secretary of State December 24, 1911.]

Resolved by the assembly, the senate concurring, That the two houses of the legislature of the State of California adjourn sine die at three o'clock and thirty minutes P. M., Sunday, December 24, 1911.

Final
adjourn-
ment.