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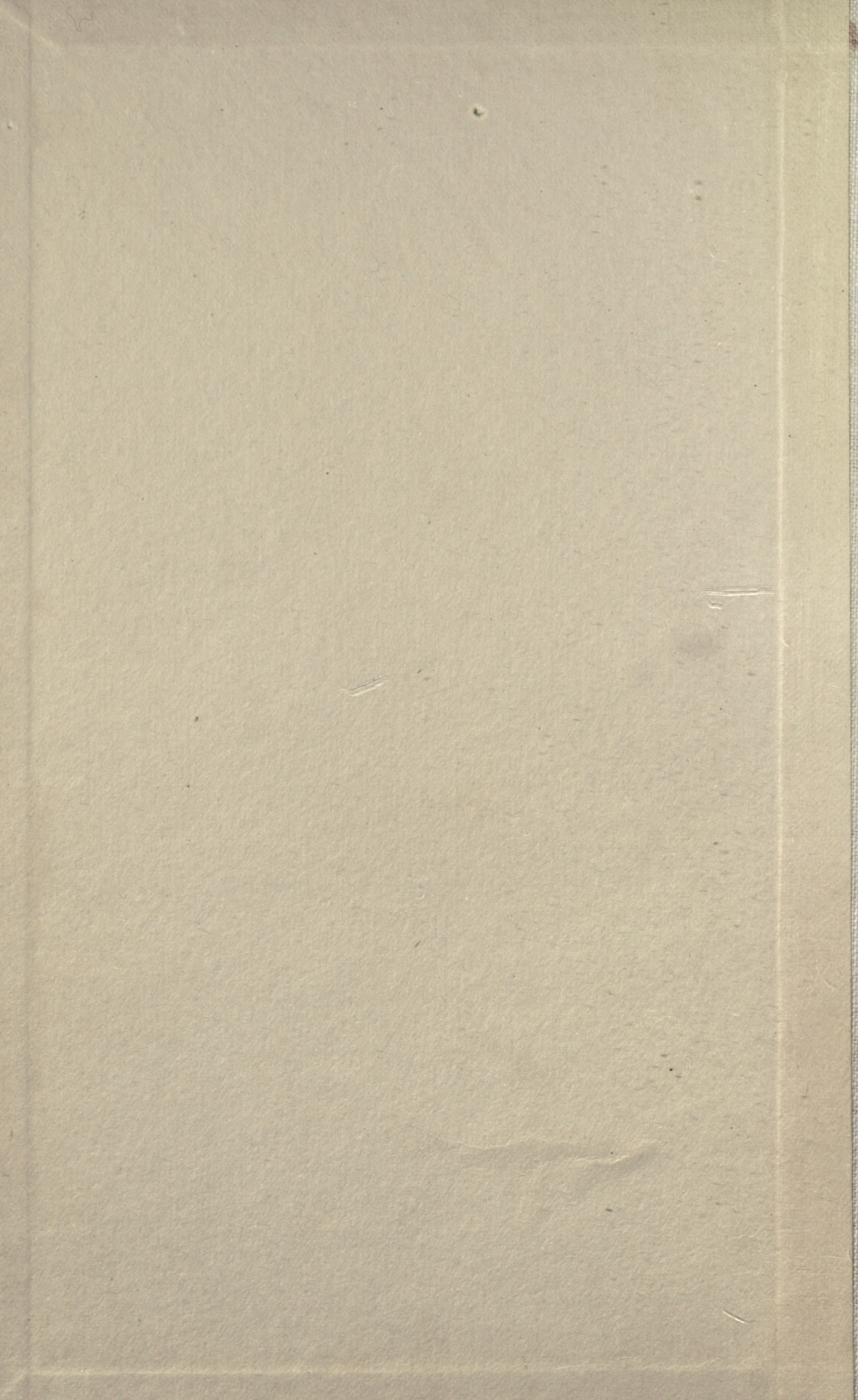


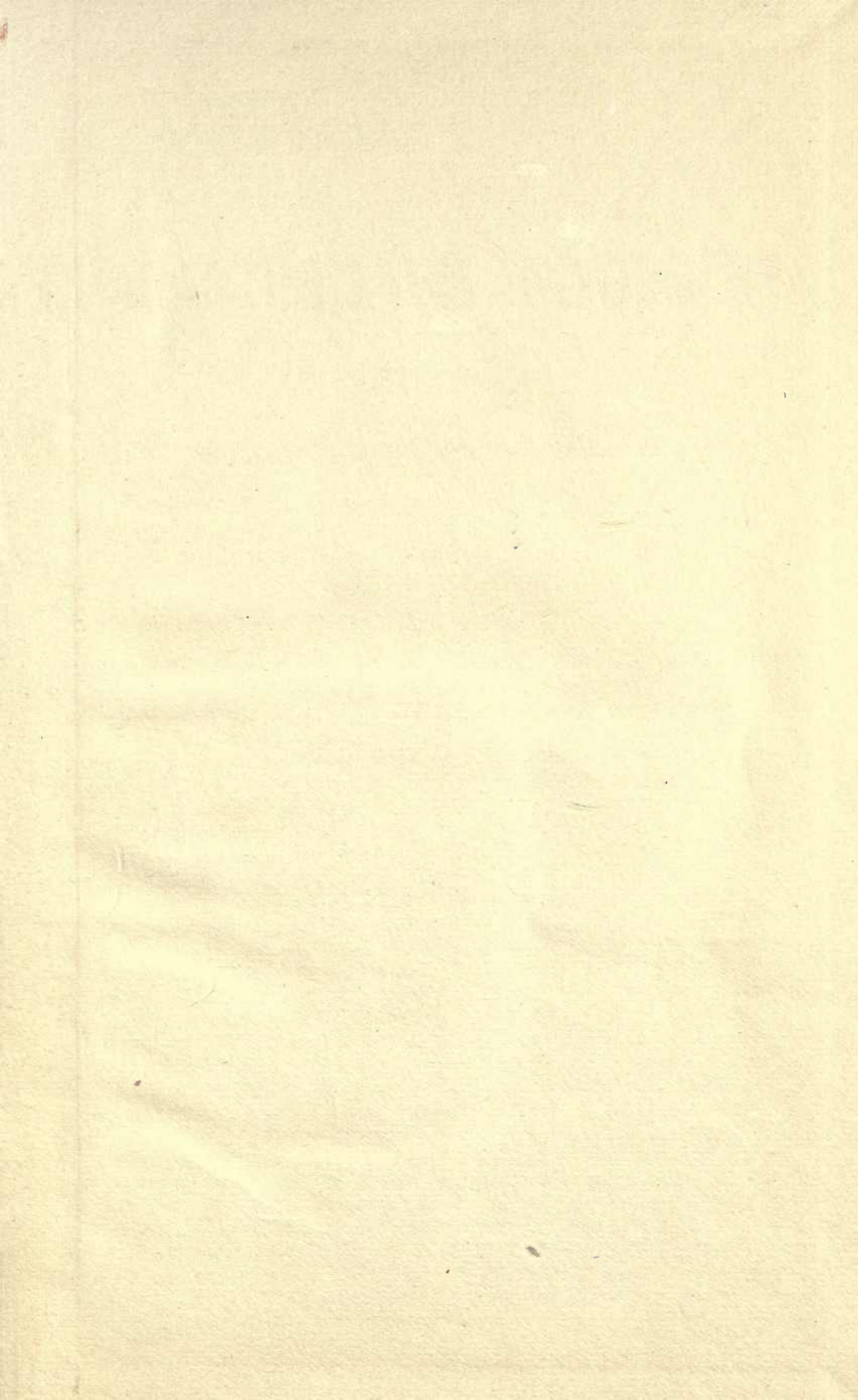
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QUARANTINE LAWS & ORDERS

BULLETIN NO. 1

STATE COMMISSION OF HORTICULTURE







QUARANTINE LAWS AND ORDERS

BULLETIN No. 1

J. W. JEFFREY - - - State Quarantine Officer

SACRAMENTO, CAL.

JULY, 1911

INTRODUCTORY.

The general appropriation bill, signed by the Governor on May 1st, provided the sum of \$10,000 for the two fiscal years beginning July 1, 1911, to be used by the Horticultural Commissioner in publishing reports, bulletins, circulars, and general information upon matters relating to the fruit and kindred industries of the State. This appropriation is nearly double that provided by previous legislatures for this purpose and it was made at the unanimous request of the fruit growers.

Under the former appropriations but little more than a few stated reports could be published, and often the funds were even insufficient for printing the regular reports. In recognition of the spirit shown by the legislature and the Chief Executive in making this appropriation, it is the intention of the Commissioner of Horticulture to publish all official documents that may be of value to the fruit growers, the state and county horticultural officials and the industry at large which they represent. It is hoped by this means to bring into closer relationship and coöperation the various elements concerned in any way with the production and selling of the orchard and farm products of the State. These circulars will be issued as often as matters of importance may develop in the administration of the office, or valuable information be obtainable upon subjects relating to the economics of fruit growing and kindred interests. The pamphlets are intended to be helpful to our quarantine officials; to inform the officials of other states and countries upon the policies of our quarantine and other divisional work; to suggest the interpretation and application of our horticultural laws as understood by the Commissioner, and to set before the people in convenient form such records as may be of use to them in their relation to the horticultural offices of the State. This bulletin will be devoted to the administration of the Quarantine Division of the State Commission of Horticulture and the laws relating thereto.

QUARANTINE LAWS.

The statutes of California contain but two measures governing the Commissioner of Horticulture, namely, the act of 1899, popularly known as the "State Quarantine Law," and the act establishing the present State Commission of Horticulture, enacted in 1903, and amended finally June 26, 1911. The objects of the quarantine clauses of both these laws are to prevent the introduction of harmful insects and plant diseases into the State, to provide methods of eradication should they secure a foothold, and to authorize certain agencies to adopt rules and regulations for the enforcement of the quarantine provisions.

There seem to be conflicting clauses in these two acts, and their phraseology taken together is somewhat confusing. The act of 1899, for example, provides in section 4 that "Any trees, shrubs, * * * found infested with any species of injurious insects * * * not existing in the orchards, vineyards, gardens or farms of California * * * shall be immediately sent out of the State or destroyed at the option of the owner." The act of 1911, known as the "State Commission Law," makes no distinction in the methods of handling infestations new to the State, as against insects brought over the border of species already established in the State. However, as there is nothing in the latter act preventing the immediate reshipment or destruction of new infestations authorized by the former, the provisions of the older act should prevail in cases of that character and no disinfection be given to foreign pests, except such as is necessary to lessen the danger while the quarantined articles are retraversing the State on their way out. The act of 1911 is intended to be a complete scheme to provide quarantine protection to our horticultural industries, and should be the basis for all quarantine procedure of a general nature. For handling most of the individual cases likely to occur attention is called to the provisions of the "State Quarantine Law" (1899) relating to marking incoming packages and holding the same by the carriers; to the provisions of section 4 of this law; to the statutory quarantine against peach yellows, rosette and certain animals detrimental to horticultural and agricultural interests. These are useful supplements to the main law, and both acts should be carefully studied together by the officials charged with their execution.

STATE QUARANTINE GUARDIANS.

An act approved by Governor Stoneman March 13, 1883, created the State Board of Horticulture, consisting of nine members, one each from the seven districts designated by the measure and two from the State at large. The act empowered the board to appoint an officer known as Inspector of Fruit Pests. This official, in cases of emergency, and the board during its sessions were given the authority to appoint quarantine guardians who were to receive not more than \$2.00 per day to be paid by the owners of orchards and other places under quarantine regulations. The legislature of 1903 abolished the State Board of Horticulture, substituting therefor a law creating the State Commission of Horticulture as it now exists. But the author of the law of 1903 neg-

lected to include the appointment of quarantine guardians, and from that time until last March, no provision was made for these officials. On the 25th day of last March, Governor Johnson signed Assembly Bill No. 965 (Cogswell), authorizing the State Commissioner of Horticulture to commission all county horticultural commissioners, their deputies and inspectors as quarantine guardians, thus restoring these valuable officials to the service of the State. On April 6th, the commissions were issued to the following county horticultural commissioners. This list will be of value to the fruit growers, nurserymen, and others who are concerned with the protection of the horticultural and farming industries of California:

List of State Quarantine Guardians.

(July 1, 1911.)

County.	Officer.	Post office.
Alameda	Fred Seulberger	Oakland
Butte	Earle Mills	Oroville
Colusa	L. R. Boedefeld	Colusa
Contra Costa	Frank T. Swett	Martinez
El Dorado	J. E. Hassler	Placerville
Fresno	F. C. Schell	Fresno
Humboldt (*)	J. E. Jannsen	Eureka
Imperial (*)	W. E. Wilsie	El Centro
Kern	Dave Hirsfeld	Bakersfield
Kings (*)	B. V. Sharp	Hanford
Lake	Geo. W. Lyons	Lakeport
Lassen (*)	I. N. Jones	Susanville
Los Angeles	A. R. Meserve	Los Angeles
Madera	George Marchbank	Madera
Mendocino	J. R. Banks	Ukiah
Merced	N. H. Wilson	Merced
Monterey	J. B. Hickman	Aromas
Napa	A. D. Butler	Napa
Nevada	Newton Peck	Grass Valley
Orange	Roy K. Bishop	Santa Ana
Placer	H. H. Bowman	Bowman
Riverside	R. P. Cundiff	Riverside
Sacramento	F. R. M. Bloomer	Sacramento
San Benito	L. H. Day	Hollister
San Bernardino	S. A. Pease	San Bernardino
San Diego	C. H. Stuart	San Diego
San Joaquin	Wm. Garden	Stockton
Santa Barbara	C. W. Beers	Santa Barbara
Santa Clara	Earl Morris	San Jose
Santa Cruz	W. H. Volck	Watsonville
Shasta	Geo. A. Lamiman	Redding
Siskiyou	Jos. F. Wetzel	Yreka
Solano	C. K. McBride	Vacaville
Sonoma	A. R. Gallaway	Santa Rosa
Stanislaus	A. L. Rutherford	Modesto
Sutter	H. P. Stabler	Yuba City
Tehama	Chas. B. Weeks	Red Bluff
Tulare	A. G. Schulz	Porterville
Ventura	E. O. Essig	Santa Paula
Yolo	Geo. H. Hecke	Woodland
Yuba	Geo. W. Harney	Marysville

NOTE.—In the following counties no horticultural commission was ever organized: Alpine, Amador, Calaveras, Del Norte, Marin, Mariposa, Modoc, Mono, Plumas, San Francisco, San Luis Obispo, San Mateo, Sierra, Trinity, and Tuolumne. Glenn and Inyo have commissions, but quarantine guardians have not been appointed.

Counties marked thus (*) have each a board of three commissioners, not having organized under the law of 1909. In each of these a quarantine guardian has been commissioned.

DUTIES OF QUARANTINE GUARDIANS.

Neither the state nor the county horticultural laws fix the duties or establish the responsibilities of the State quarantine guardians. (See Political Code, Chapters 600 and 299, respectively.) Each of these acts simply authorizes the appointment of these officials in the following words: "The State Commissioner of Horticulture may issue commissions as quarantine guardians to the county horticultural commissioner, the deputies and inspectors appointed by him."

If no other authority were given, the functions and responsibilities of these guardians would be to act merely as deputies of the State Commissioner's office. But these laws authorize commissions to be issued, evidently for the purpose of giving distinctiveness and formal authority to the office of guardian. Furthermore, we find in the "Horticultural Quarantine Law" (1899), that certain duties are clearly set forth and delegated distinctly to the quarantine guardians. Section 1 of this act requires the quarantine guardians to be notified of the arrival of trees, shrubs, etc., when brought into the State; empowers them to make inspections, to enforce the proper marking of articles subject to inspection, and directly authorizes these officials to detain, disinfect, hold, send out of the State or destroy certain articles under stipulated conditions. In no case does the law intimate that the above-named acts shall be done under the authority or knowledge of the State Commissioner. It is clear that the legislature of 1899 intended these guardians to be independent officials delegated to act upon their own judgment and responsibility, and in no way dependent upon the State Commissioner except for appointment and tenure of office.

It is obvious, however, that the whole scheme of our horticultural law contemplates unity and coöperation between the various horticultural offices, state and county, and every one connected with these offices is expected to render service in compliance with the spirit of these laws in respect to coöperation and harmony. As to the territorial jurisdiction of the state quarantine guardian, he is delegated to patrol and protect the county for which he is appointed, but there is nothing in the law limiting his authority to his own county.

It is suggested for the good of the service that the state quarantine guardians and the county horticultural commissioners (at present represented in the same persons), keep their dual offices entirely separate. These officials should have clearly in mind the duties and prerogatives of each office; they should confer freely with the State Commissioner, and with each other upon quarantine work, as should authorized and responsible elements in the service of the State and counties, commissioned with the duties of protecting and conserving the common weal of our greatest soil industries. Records should be kept of every transaction, both as county commissioners and quarantine agents, that the whole service may be improved and made fully protective to the enterprises in whose behalf these offices have been created; these officers should initiate new policies and bring to bear every influence promising to advance the agricultural and horticultural interests of California.

QUARANTINE ORDERS.

The State Horticultural Commission Act (Political Code, chapter 600) authorizes the Commissioner, with the approval of the Governor, to establish quarantine districts and lines, and to make regulations, all for the protection of the orchard and farm products of the State. In pursuance of this authority and without attempting to particularly interpret the law under consideration, this Act seems to the writer to separate the quarantine practice into two divisions.

Where the action establishes permanent quarantine lines or districts and which restrict or otherwise affect public rights the provisions plainly require the Governor's approval; where the quarantine is invoked to hold up and control a shipment or any article incidentally and does not involve the freedom of the public, the quarantine officers may handle the case by merely serving a quarantine notice upon the party in charge of the article to be detained. As the state quarantine guardians will have to do with the latter class of work only, the administration of the law is simpler, and they are thus authorized to proceed upon their own initiative to detain and handle contraband cases without the approval of other authorities. It was the intention of the framers of this act to provide legal machinery for emergency cases, and at the same time restrict arbitrary, permanent action that might deal unjustly with the public. The right to quarantine an infected article of horticulture is a police power conferred by this statute. Its efficiency often depends upon the authority to act promptly. The Supreme Court has sustained this principle in holding that a horticultural quarantine law is constitutional, and that it must be made prompt and summary to be effective. It is plainly the intent of the law to give quarantine officers authority to act summarily in all emergency cases, observing the requirements of the act and abating or removing the danger as set forth and authorized by the Horticultural Quarantine law of 1899.

Below will be found a list of six quarantine orders issued by the State Commissioner, approved by the Governor, and all but one involving the idea of a permanent territorial quarantine, as indicated in the first division of quarantine practice referred to in the preceding paragraph. All these orders, excepting No. 5, are in force at this writing:

List of Quarantine Orders.

Number.	Subject.	Date issued.
Order No. 1	Citrus White Fly	October 3, 1905
Order No. 2	Cotton Boll Weevil	April 23, 1908
Order No. 3	Scale Insects	January 17, 1910
Order No. 4	Cucumber Maggot	March 28, 1910
Order No. 5	Eel Worm Quarantine	January 6, 1911
Order No. 6	Mediterranean Fruit Fly	June 24, 1911

CITRUS WHITE FLY.

The first order of quarantine issued under the authority of the act of 1903 related to the inhibition of Florida plants, etc. This order has been amended several times, and it is thought best to give it as it

appears upon the records for the purpose of clearness. The order is as follows:

QUARANTINE ORDER NO. 1.

Citrus White Fly.

(Issued October 3, 1905.)

WHEREAS, Information has been received by this commission to the effect that the White Fly (*Aleyrodes citri*) is prevalent in the orange sections of Florida, and that oranges, lemons, and citrus nursery stock in that state are injuriously affected by said White Fly (*Aleyrodes citri*); and

WHEREAS, Said *Aleyrodes citri* does not exist, nor ever has existed, upon the citrus fruits or citrus stock of this State; and

WHEREAS, There is danger to be apprehended from the importation of such citrus fruits and citrus nursery stock into this State; therefore,

It is declared, That a horticultural quarantine be, and it is hereby, established against all citrus fruits and citrus nursery stock being imported from the state of Florida into the State of California, and all horticultural commissioners and local inspectors are hereby instructed to hold any and all such citrus fruits or citrus nursery stock subject to the shippers thereof, for exportation out of the State, and to take every necessary precaution for the prevention of the introduction of the said White Fly (*Aleyrodes citri*) into their districts.

(Signed) ELLWOOD COOPER,
State Commissioner of Horticulture.

Approved by:
(Signed) GEO. C. PARDEE,
Governor of the State of California.

Soon after the above order was issued, Commissioner Cooper received a request from the horticultural commission of Los Angeles County that the order be amended to inhibit all Florida stock, and the new order was issued the following spring as follows:

QUARANTINE ORDER NO. 1.

Citrus White Fly.

(Amended March 2, 1906.)

WHEREAS, Information has been received by this commission to the effect that the White Fly (*Aleyrodes citri*) is prevalent in the states of Florida and Louisiana, and that it is found upon a wide range of plants and trees in those states, where it is a serious, costly, and uncontrollable pest, and that oranges, lemons, citrus and other nursery stock, as well as herbaceous and other plants, are infested with said White Fly (*Aleyrodes citri*); and

WHEREAS, Said *Aleyrodes citri* does not exist, nor ever has existed, upon any fruit, trees, or plants in the State of California; and

WHEREAS, There is great danger to be apprehended to the fruit industry of this State from the importation of nursery stock, trees, fruit, or plants from infested sections in Florida and Louisiana; therefore,

It is declared, That a horticultural quarantine be, and it is hereby, established against all fruit and nursery stock and plants imported from the states of Florida and Louisiana into the State of California, and all horticultural commissioners and local inspectors are hereby instructed to hold any and all such plants, fruit or nursery stock subject to the shippers thereof, for exportation out of the State, and to take every necessary precaution for the prevention of the introduction of the said White Fly (*Aleyrodes citri*) into their districts.

(Signed) ELLWOOD COOPER,
State Horticultural Commissioner.

Approved by:
GEORGE C. PARDEE,
Governor of the State of California.

In March, 1910, a petition was received by the State Horticultural Commissioner, stating that there existed a strong demand in California for the seed of the Florida sour orange; that the enforcement of the above order prevented the importation of this seed, and asking for a modification of the order. The Commissioner called a meeting of the fruit growers and seedsmen and the conference was held in Los Angeles, attended by a large number of those interested in the importation of orange seed. The Commissioner presented a draft of the following order, all agreeing to abide by its provisions. Very little seed was brought in that year, but the report of Quarantine Deputy Woods shows that from June 1st to April 15, 1911, he inspected and fumigated 62

lots, amounting to 236 bushels. The plan works well and to the full protection of the citrus fruit industry as far as it is affected by the importation of orange seed:

QUARANTINE ORDER NO. 1.

Citrus White Fly.

(Amended April 1, 1910.)

WHEREAS, Information has been received by the commission to the effect that the White Fly (*Aleyrodes citri*) is prevalent in the states of Florida and Louisiana, and that it is found upon a wide range of plants and trees in these states, where it is a serious, costly, and uncontrollable pest, and that oranges, lemons, citrus and nursery stock, as well as herbaceous and other plants, are infested with said White Fly (*Aleyrodes citri*); and

WHEREAS, Said *Aleyrodes citri* does not exist upon any fruit, trees or plants in the State of California; and

WHEREAS, There is great danger to be apprehended to the fruit industry of this State from the importation of nursery stock, trees, fruit or plants from infested sections in Florida and Louisiana; therefore,

It is declared, That a horticultural quarantine be, and is hereby, established against all fruit, nursery stock, fruit pits, orange seed, and plants of all kinds imported from the state of Florida, Louisiana, or any other sections known to harbor *Aleyrodes citri*, into the State of California; all horticultural commissioners, local inspectors, and deputies of the State Horticultural Commission are hereby instructed and required to hold any and all such fruits, nursery stock, fruit pits, orange seed and plants of all kinds, subject to the shippers or owners thereof, for exportation out of the State or to be destroyed; provided, that orange seed may be received into the State of California upon compliance with the following conditions:

Every lot of orange seed brought into the State of California from Florida, Louisiana or other territory infested with *Aleyrodes citri* must be enclosed in a box sufficiently tight and secure to prevent the egress of all insect pests should any be enclosed; every such lot of seed must be shipped to William Wood, quarantine inspector, or to any other person authorized in writing by the State Commissioner of Horticulture to receive it; every such lot must be delivered at such freight or express office as shall be designated by said William Wood, or other authorized person, and held by him in quarantine until in his judgment the lot should be released. All expense incurred in treating for disinfection of such lot of seed shall be paid by the consignee or owner, and the seed shall not be released till the same is paid.

(Signed) J. W. JEFFREY,
State Commissioner of Horticulture.

Approved by:

J. N. GILLET, T.

Governor of the State of California.

Before we leave the consideration of this order a very interesting case is appended concerning its recognition by the United States Government. The Bureau of Plant Industry at Washington is engaged in plant breeding and selection in Florida, and while the Federal authorities may have the legal right to ignore our state quarantine law in the distribution of these plants, they did not attempt to violate its provisions. Wishing to distribute throughout southern California a large lot of improved avocado and other plants, application for a permit was made and refused by the State Commissioner, who later sent an agreement to P. H. Dorsett of the bureau, which would permit the introduction of the plants without possibility of introducing the White Fly. This was signed by Mr. Dorsett:

IMPORTING FLORIDA STOCK.

Agreement.

(Modifying Quarantine Order No. 1.)

OFFICE OF STATE COMMISSIONER OF HORTICULTURE,
SACRAMENTO, CAL., March 4, 1910.

Mr. P. H. Dorsett, Bureau of Plant Industry, Washington, D. C.

The conditions imposed by the State of California upon the introduction of Florida stock are as follows:

1. The plants to be sent to Washington and there detained in your quarantine greenhouse for a period of six months.
2. At the end of that time they may be shipped to the horticultural commissioner of the county in California in which they are to be delivered. I will instruct him upon your previous notification of shipments, to receive them and after examination to turn them over safely to the consignee.
3. Each shipment must be accompanied by a certificate from your entomologist or other authorized official stating that the plants have been in quarantine the required time, and that there are no *Aleyrodes citri* or other species of citrus white fly in the quarantine greenhouse.

The avocado plants that are now being shipped so freely into California under this agreement were placed in the greenhouse February 20, 1910, and held there over one year. The fruit growers of California should appreciate the spirit of coöperation the Federal bureau is manifesting. Its officials have written that they will assist in every way in preventing the introduction of pests into this State.

COTTON BOLL WEEVIL.

Cotton growing in the Imperial Valley has been developed to great proportions within the last two years, and the industry may become the leading business in the rich territory of the Colorado delta if successful varieties are cultivated and insect pests are excluded. By far the most destructive insect affecting the production of cotton is the boll weevil. This creature seems to be of Mexican origin. It had spread over several counties of Texas from Mexican territory as early as 1894, and has since rapidly invaded the cotton growing district of the south. In 1908 this pest had overrun the Mississippi delta, reaching toward the Atlantic coast, and damaging the cotton crop that year to the amount of \$30,000,000, according to Secretary Wilson's report. The boll weevil does not yield readily to measures of control, and should it become established in Imperial great loss would result, and, possibly, cause the abandonment of cotton production in that territory.

But the cotton districts of California are isolated and at present free from this destructive pest. A rigid quarantine has been maintained since experimental cotton planting began, special deputies have been in charge who have fumigated all cotton seed introduced into the district, and all precautions have been taken to exclude this great peril. Not only have the domestic avenues been guarded, but a plan has been adopted through which to protect the cotton fields in Mexican territory adjacent to Imperial County, and thus safeguard the American fields from contamination from that source. We hope by continued vigilance and the coöperation of the cotton planters to keep the California cotton industry free from the boll weevil.

QUARANTINE ORDER NO. 2.

Cotton Boll Weevil.

(Issued April 23, 1908.)

WHEREAS, Information has been received by this commission to the effect that cotton seed is about to be imported into this State from sections affected with the cotton boll weevil (*Anthonomus grandis* Boh.), and that the same is a serious pest in such sections where it prevails; and

WHEREAS, The said cotton boll weevil (*Anthonomus grandis*) does not, nor ever has, existed in this State, and that if introduced the same would become a serious and dangerous pest, probably spreading to other food plants; and

WHEREAS, The cotton boll weevil (*Anthonomus grandis*) while not attacking the seed of the cotton plant, may hibernate in the hulls or be carried in the mass and thus become established in new locations; therefore, acting upon information received from and a request made by the Bureau of Plant Industry, of the Department of Agriculture of the United States, it is hereby

Ordered, That no cotton seed shall be admitted into this State, and a horticultural quarantine is hereby established against the same, except under the conditions herein set forth:

First—That in addition to the offices of the State Commission of Horticulture, Capitol building, Sacramento, and room 11, Ferry building, San Francisco, El Centro in Imperial County, San Bernardino in San Bernardino County, Riverside in Riverside County, Los Angeles in Los Angeles County, and San Diego in San Diego County, are hereby declared horticultural quarantine stations for the inspection of all cotton seed coming or being imported into this State.

Second—The board of horticultural commissioners of each of said counties, and

each of them, is hereby declared a special deputy commissioner of horticulture for the purpose of enforcing this order. And it is further

Ordered, That all cotton seed brought or imported into this State shall be inspected in the county into which it is brought by one of the deputy commissioners above named. It shall then be subjected to fumigation, in a closed vessel, with bisulphide of carbon gas for a period of twenty-four hours, and shall then be held by the deputy commissioner for a sufficient time to satisfy said deputy commissioner that all possibility of infestation is removed. For the purpose of more effectively enforcing the quarantine against the cotton boll weevil; it is further

Ordered, That all cotton seed shipped or imported into this State shall be consigned to the horticultural commissioner of one of the above named counties, to be by him delivered to the consignee when he is fully assured that there is no danger of infestation.

This quarantine shall go into effect immediately upon its approval by the Governor.

(Signed) J. W. JEFFREY,
State Commissioner of Horticulture.

Approved by:
J. N. GILLETT,
Governor of the State of California.

TULARE COUNTY QUARANTINE.

Tulare County is known to be so generally free from scale insect pests that it was thought advisable to give the citrus fruit growers of that district extraordinary protection in the form of an order quarantining all other territory, domestic and foreign, in favor of Tulare County. Had the county groves been ordinarily infested with citrus scales, this precaution would not have been logical or necessary. As the case stood when the plan was adopted, it gave an opportunity to try a new policy, and one that should prevent the occurrence of infestation and save the citrus fruit growers from great losses in fighting this class of orchard pests in that county.

Another fact influencing this quarantine policy was the fact that Tulare County had a very large mileage of railroads, and to guard the dozens of receiving stations placed a heavy burden upon the taxpayers with no assurance that the county would be able to maintain its orchards in a clean condition. After having visited this section several times in conference with the fruit growers and officials, the State Commissioner devised the following plan:

To prohibit the shipment into Tulare of trees, plants and all articles liable to carry scale pests, excepting through designated stations of entry. A quarantine order was issued to that effect. In pursuance of this arrangement the county horticultural commissioner agreed to inspect, without expense to the State, all nursery stock arriving at the points of entry. All the county horticultural officials were then appointed state quarantine inspectors under the provisions of the act of 1903. After a few difficulties with the railroads had been overcome the plan worked to the entire satisfaction of growers and nurserymen, and has become a fixed policy, supported especially by the citrus fruit men. The order is as follows:

QUARANTINE ORDER NO. 3.

Tulare County.

(Issued January 17, 1910.)

WHEREAS, The State Commissioner of Horticulture has determined from common report, from personal inspection, and from the report of the state quarantine officer that the commercial citrus fruit trees and all others as far as examined in Tulare County are entirely free from the Red Scale (*Chrysomphalus aurantii*), Black Scale (*Saissetia oleae*), Purple Scale (*Lepidosaphes beckii*), and other scales detrimental to the production of fruit; and

WHEREAS, There is continual danger of the introduction of the said scales and others into Tulare County; and

WHEREAS, A reasonable quarantine regulation would protect the fruit interests of the said county without violating the rights of other sections; therefore

It is declared, That a quarantine be and is hereby established against the importation of all fruit and nursery stock and plants into Tulare County, and the horticultural commissioner, his deputy and all his inspectors are hereby instructed to hold and cause to be returned to the points where the shipments originated all such stock found within the said county of Tulare; it is unlawful during the continuance of this order for any railroad, express or other company or individual to bring or cause to be brought into said county such stock or to receive it for delivery; provided, that all such nursery stocks and plants may be delivered and received at Porterville, Lindsay, Exeter, Tulare, Ducor, Dinuba, Pixley, Angiola and Terra Bella, all within the said county, and it is hereby declared that the above named stations are in no way affected by this order, and at the places named all such stocks may be received and will be promptly inspected, and if found clean they will be released.

(Signed) J. W. JEFFREY,
State Commissioner of Horticulture.

Approved:
J. N. GILLETT,
Governor of the State of California.

THE MELON FLY.

For several years the melon or cucumber maggot has been discovered in certain fruits and vegetables arriving at our ports from Hawaii. This pest is particularly destructive on these islands, attacking melons, cucumbers, tomatoes, beans and other vegetables. Specimens of this fly's work are on exhibition at the Insectary, found in shipments from Honolulu, of the most revolting character. By careful inspection and the rigid enforcement of the following order the fly has been kept out of the State:

QUARANTINE ORDER NO. 4.

The Melon Fly.

(Issued March 28, 1910.)

WHEREAS, From information that has been received by this commission, and the fact having been duly determined by the commission, it appears that a certain fruit and vegetable fly known as *Dacus cucurbitae* is prevalent in the Hawaiian Islands, and very destructive to watermelons, muskmelons, cucumbers and tomatoes on these islands, and that the said *Dacus cucurbitae* is not known to exist in the State of California; and

WHEREAS, The introduction of this fly into the State would entail great and irreparable losses to the horticultural products subject to its attacks; and

WHEREAS, The most rigid inspection can not determine the presence of the larva or maggot of this fly without the destruction of the fruit or vegetable which may be infested; therefore,

It is ordered, That a horticultural quarantine be and is hereby established against watermelons, muskmelons, cucumbers and tomatoes imported from the Hawaiian Islands or other territory known by the state commission to contain infection of the *Dacus cucurbitae*, and all deputies of the State Commission of Horticulture, county horticultural commissions and horticultural quarantine officers are hereby instructed to hold all such fruits or vegetables above described for exportation out of the State or to be destroyed as may be directed by the owner or consignee.

(Signed) J. W. JEFFREY,
State Commissioner of Horticulture.

Approved:
J. N. GILLETT,
Governor of the State of California.

POTATO EEL WORM.

Early in January of the present year the horticultural commissioner of Sacramento County discovered the eel worm in a carload of potatoes upon the local market. This pest is not known to exist in California, and, as the destruction of the lot might involve litigation, the infestation was handled through a regular quarantine order which was made the basis for disposing of many carloads of similarly infested potatoes from a small valley in Nevada. The Sacramento car was sent back to Reno, where the potatoes were transferred to another car, shipped to Los

Angeles, and there held up and sent back again to Nevada. In such cases as this the quarantine officers should have the authority to destroy the lot, regardless of the wishes of the consignor.

Meantime, circulars of warning had been sent all over the State resulting in the discovery of nearly a dozen infested lots at Bishop, Independence, San Francisco and Sacramento. As there were no quarantine guardians in the State at this time these shipments were disposed of at great disadvantage. No such trouble can occur since the law of 1911 has become effective. This incident has caused the Nevada State University to make an investigation of the infested area, and steps will be taken there to eradicate the pest. Quarantine guardians should be vigilant in the inspection of farm produce, for the spirit of the law does not confine their activities to horticultural protection. It will be noticed that Order No. 5 is in form different from the preceding orders. The secretary in this case quarantined the car upon his authority as an officer of the State Commission, and it was not necessary for the Governor or the Commissioner to approve this order. It will be held by the Commissioner that a quarantine order of temporary nature and one not involving the quarantining of a territory, may be legally made by any authorized deputy or state quarantine guardian. The following is the order, and it may serve as a form for use by the latter :

QUARANTINE ORDER NO. 5.

The Potato Eel Worm.

(Issued January 6, 1911.)

Wood, Curtis & Co., Sacramento, Cal.

GENTLEMEN: This is to certify that I have this day inspected a carload of potatoes (1843 P. F. E.), containing 251 sacks, consigned to you and shipped by G. Boni Nucci from Cauty, State of Nevada, and have found the same to be badly infested with a nematode worm (*Tylenchus devastatrix*), a parasitic worm destructive to potatoes, which does not exist in this State.

In accordance with section 4 of the horticultural quarantine law of the State of California, I hereby order this carload (251 sacks) of potatoes shipped out of the State of California, or destroyed, at your option, within forty-eight hours from the serving of this notice.

(Signed) O. E. BREMNER,
Secretary State Commission of Horticulture.

MEDITERRANEAN FRUIT FLY.

By far the most alarming development of fruit pests of foreign origin is the appearance of the Mediterranean fruit fly in the gardens and orchards of Honolulu. The invasion of this insect was discovered by the horticultural officials of Hawaii last October, and a campaign is now under way for its eradication involving the expenditure of a large sum of money. This will lessen the danger of California orchards becoming contaminated from this source, but it does not make protective measures any less imperative locally, for the pest may be impossible of extirpation, and remain a continual menace to the fruit industry of the United States:

QUARANTINE ORDER NO. 6.

The Mediterranean Fruit Fly.

(Issued June 24, 1911.)

SACRAMENTO, CAL., June 24, 1911.

WHEREAS, The State Commissioner of Horticulture has received official notification from the Board of Agriculture and Forestry of the Hawaiian Islands that an insect known as the Mediterranean Fruit Fly (*Ceratitidis capitata*) has become established on the island of Oahu; and

WHEREAS, The deputy horticultural quarantine officers at the port of San Francisco

have discovered and properly identified this fruit fly (*Ceratitis capitata*) in fruit and vegetables brought in both as freight and personal baggage from the port of Honolulu, Hawaiian Islands; and

WHEREAS, The introduction of this fruit fly (*Ceratitis capitata*) into California would entail irreparable losses to our fruit, vine and vegetable interests;

It is hereby ordered, directed and declared, That a quarantine be and the same is hereby established in accordance with section 2319b of the Political Code of the State of California, against the importation of all fruits, vegetables, berries, seed-pods, etc., either cultivated in the orchards or gardens or growing wild in the Hawaiian Islands, with the exception that pineapples, bananas, and all root crops, the edible portions of which during growth have always been beneath the surface of the soil, shall be admitted at the ports of the State of California after having been duly inspected; provided, that any or all of these exempted fruits or vegetables, if at any time hereafter shall be found to contain upon inspection the egg, larvæ or pupæ of the fruit fly (*Ceratitis capitata*) they shall be immediately included in the list of quarantined fruits and vegetables. The fruit or vegetables quarantined against in this order shall be immediately returned to the port from which they were shipped or destroyed at the option of the owner, consignee or agent. In no case shall such quarantined fruits be allowed to be transported over, repacked or stored upon any dock, warehouse, barge or other property within the jurisdiction of the State of California, excepting the ship in which they were originally brought, or to which they are at once transferred. All deputies of the State Commission of Horticulture, or state quarantine guardians are hereby empowered to carry out the provisions of this order.

J. W. JEFFREY,
State Commissioner of Horticulture.

Approved:
HIRAM W. JOHNSON,
Governor of California.

Important as this new and sweeping order may be, unless the methods of handling ship inspections are thorough, we can not expect reasonable protection. Our quarantine laws have always been defective, in that they do not, and perhaps can not, enforce the inspection of private baggage carried by passengers upon transportation lines. The Attorney General's office has been appealed to, and has held that opening personal baggage to determine whether it contained contraband articles under such as the above order would involve intricate legal points, and no one has been able to suggest an amendment to our quarantine acts that would avoid the complications following the invasion of personal liberty necessary to thoroughly inspect private baggage. Whether the State of California could establish this right of search, as it has been established by the United States customs laws can not be determined at this time, and the emergency now under consideration impelled us to adopt a new policy that promises to be entirely satisfactory and protective.

All baggage arriving on vessels from foreign ports is opened and inspected for dutiable goods by the customs officials, and by agreement with the Federal authorities the horticultural quarantine deputies are on hand to look through the baggage and take possession of quarantined or infected fruits, plants, etc. But the vessels coming in from domestic territory are not visited by the customs officers and it is from this source our greatest danger has originated. How to reach the baggage of passengers coming on the Hawaiian steamers became a most important question. A conference was held with the officials of the Matson Navigation Company and the Oceanic Steamship Company in June, and the following proposition made to them:

1. A contract to be attached to each passenger ticket and signed by the purchaser at Honolulu, reading as follows:

"One of the conditions of this ticket is that the quarantine regulations of the State of California will be conformed to in regard to the inspection of horticultural products. I hereby agree to the inspection, by the quarantine officials of the State Commission of Horticulture, of all my personal effects upon my arrival at San Francisco."

2. A notice to be handed to each passenger, as follows:

Under and in pursuance to an act of legislature of the State of California, approved March 25, 1903, and acts amendatory thereof, it is the duty of the State Commissioner of Horticulture of the State of California, by and with the approval of the Governor of said State of California, to establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the vegetable and tree growths of said State against contagion or infection by injurious diseases, insects or pests.

And it is therefore necessary in order to maintain such quarantine and protective measures, that all trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or other articles of horticulture of all and every kind and nature be inspected by such commissioner, or by a deputy or other official properly appointed to make such inspection; and

WHEREAS, It is necessary in rendering effective such inspection of such articles of horticulture that inspection and examination shall be had of all trunks, valises, handbags, satchels, suit-cases, boxes, packages or parcels of every kind and character upon arrival of the ship at the port of entry into the State of California; and

WHEREAS, It is the duty of steamship corporation and company operating the ship or vessel hereinabove referred to, to prevent and assist in preventing the introduction into the State of California of any such articles of horticulture which are liable to be infested with or being affected by injurious disease, insects or pests;

Now, therefore, passengers are hereby notified that said passengers must open in the presence of the proper officer representing the State Commissioner of Horticulture of the State of California, at the port of San Francisco, all the personal baggage and effects of all kinds and nature whatsoever of said passengers, and permit said officer representing said State Horticultural Commissioner to inspect the contents of said personal baggage and effects, for the purpose of examining and inspecting any plants, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or other articles of horticulture, tree or plant growth contained in or annexed to said personal baggage and effects.

The term article of horticulture used herein includes and is intended to mean all shrubs, trees, plants, vines, cuttings, grafts, scions, buds, fruit pits, fruit, vegetables or other articles of horticulture.

The term personal baggage and effects used herein means and is intended to include all trunks, valises, satchels, suit-cases, boxes, packages, rolls, mats, bundles, baskets and any and all other articles containing personal effects of said passengers.

3. The officers of the ships to be personally instructed by the steamship companies to cooperate in every way to prevent the bringing in of any horticultural products whatever from the Hawaiian Islands, either by passengers or crews.

4. The steamship companies to detain the passengers in a corral, permitting them to leave with only such baggage as has been inspected.

NOTE.—The first trial of baggage searching occurred on June 27th, when the rival steamers Sierra and Wilhelmina arrived at San Francisco on the same hour, the former with 187 and the latter with 145 passengers, carrying altogether 646 pieces of baggage. The passengers were held, every piece of baggage opened, searched and tagged out. These new regulations are much more satisfactory than the old plan of inspection. They will prove effective, and they gave no offense to the passengers in the severe trial given in the cases above cited. It is believed the question of proper inspection is now settled as effectually as if it were possible to enforce the opening of private effects by law.

FEDERAL CO-OPERATION.

On the thirteenth day of July the chief deputy quarantine officer addressed a letter to the Army Transport Service requesting action prohibiting the transport boats from receiving fruits, vegetables, etc., in compliance with Quarantine Order No. 6. The following action was taken by the superintendent:

OFFICE ARMY TRANSPORT SERVICE, 1086 NORTH POINT STREET,
SAN FRANCISCO, July 15, 1911.

General Orders, No. 10.

Owing to the existence in the Hawaiian Islands of an insect which is injurious to fruits, etc., and commonly known as the fruit fly, all baggage and parcels belonging to members of the crew or other persons will be subject to inspection at San Francisco by Government officials, and must not contain any fruits, vegetables, berries, seed pods, etc., except pineapples and bananas.

No passenger or member of the crew of any army transport will be allowed to bring aboard at Honolulu any of the above described products of any kind whatsoever.

Hereafter the army transports will not accept from Honolulu, for delivery at San Francisco, any shipment of the above described products.

Enclosed herewith is Quarantine Order No. 6, also copy of a pamphlet entitled a Fruit Fly Menace.

Transport quartermasters will take such steps as may be necessary to enforce the provisions of this order.

H. P. YOUNG,
Major & Q. M. U. S. Army, General Superintendent.

QUARANTINE LAWS.

GENERAL REMARKS.

The horticultural laws of California are the most complete and effective measures ever enacted for the protection and promotion of an agricultural industry. While the paramount element of these acts is the control of insect pests and plant diseases, the laws also authorize broad policies and wide activities toward the improvement and extension of horticulture. California was the first state or country to apply the principles of police regulation to the protection of crops, and this idea has been successfully applied through statutory legislation, sustained by the highest courts and made a part of the jurisprudence of the State, as witnessed in the use of the same principle in our later health laws and measures for the protection of the live stock industry. Furthermore, the influence of what we call our quarantine and other compulsory measures has permeated Florida, Arizona and some foreign countries, and may soon be recognized by the United States in the adoption of a Federal quarantine statute designed to protect all our states and territories from the invasion of plant disease and insect infestation.

With all our advancement in providing police protection to our soil industries, we have not been able to reach by law one of the most essential features of quarantine work, namely, to legalize the searching of private baggage and effects of passengers coming into the State. This deficiency is caused by difficulties apparently fundamental, for the state quarantine officer has been advised that the question of personal liberty is involved in granting the right to open baggage, and that personal belongings can not be treated as freight or other articles in transportation. A passenger by boat or train may have personal papers, jewelry or other effects that he does not wish subjected to inspection and public gaze, and his rights are protected in this regard unless the laws expressly provide for the inspection of his personal effects. No such authority has been granted by our horticultural quarantine acts, and until such power is given our quarantine laws must remain thus far unsatisfactory.

Attention has been called, under Quarantine Order No. 6, to a most effective arrangement for inspecting baggage under circumstances existing at our maritime ports. This plan operates well where baggage is landed at the state line, and where the opportunity for its examination can be secured by law, or by contracts such as are now in use at our seaports. In the case of articles coming over the international line from Mexico, for example, the circumstances are altogether different. There the baggage is carried over the international line into Texas or Arizona, where California laws are inoperative and her officials without authority even were laws enacted authorizing inspection of private effects. No such laws granting the right of search exist, and a corps of quarantine inspectors stationed on the state line at Yuma would have no authority to open packages for inspection. In the absence of law authorizing baggage inspection; in the lack of authority to act outside the state; in the physical inability to meet all the trains crossing our borders; in the decision of the Attorney General that an officer of the state can not accept free or reduced transportation upon railroads, even for inspection purposes without automatically dismissing himself from the service, and

in the lack of funds heretofore to carry on the work were all other impediments removed, lies the inadequacy of our horticultural quarantine service upon the landed borders of California.

The state commission law prior to its amendment in effect June 26, 1911, specifically affirmed the right of the United States customs service to pass any article into the state over the head of the state quarantine officer, and, furthermore, the law required the assent of the Federal government to the establishment of quarantine lines wheresoever the jurisdiction of the United States extended. These features have been abrogated by the amended law of June 26, 1911, and now whatever defects may exist are due to deficiencies in our own laws. As soon as the law above mentioned became effective and the larger appropriation became available on July 1st, steps were taken to improve the quarantine service of the southwestern border of the State. In the absence of legal authority, other means of protection are being perfected which should guard our frontiers more thoroughly. It is hoped the scheme, if it can be adopted, will prove entirely satisfactory. The customs service officials have given the State all the assistance possible, and whenever a customs office is located in California the state quarantine inspectors are permitted to examine every package and piece of baggage opened by the Federal officials.

MISCELLANEOUS QUARANTINE MATTERS.

This bulletin is designed primarily to assist the state quarantine guardians in the discharge of their duties, and at the same time to give the public a better understanding of the methods of protecting the fruit industries of the State. It is hoped that the bulletin may also enliven public opinion upon the necessity of improving the protective laws and of coöperating in every way with the officials charged with the execution of these protective measures. To further this publicity and interest an account is here given of a few lesser activities and incidents connected with the quarantine work. From these the officials may find an occasional precedent, and the public may see the character of the difficulties confronting the quarantine service. A few incidents and conditions have been selected, each of which is typical of a different phase of the work.

FEDERAL QUARANTINE.

We have no Federal laws regulating the importation of plants and fruits into the United States, although for many years the fruit growers of California have advocated such measures, and on several occasions have presented bills to congress providing a national quarantine against the importation, and the transportation of diseased nursery stock and fruits in interstate commerce. The last attempt to regulate these classes of traffic was in the introduction of House of Representatives Bill 23252 in March, 1910, which provided for the introduction of foreign nursery stock by permit only, but like all similar measures it met defeat at the hands of American importers. During the last two years, however, much protection to California fruit interests has been afforded through the activities of the Bureau of Entomology at Washington, whose Chief now sends to the State Commissioner a manifest of every lot of plants passing through the Atlan-

tic customs service en route to California. This provides the opportunity of inspection here, and in the absence of a national quarantine law is a most helpful policy. In scores of cases the Federal authorities have brought into this State plants infested with many serious pests. Most of these importations have been intercepted. In one incident 30 tons of Asiatic plants intended for the Chico experimental gardens were found badly infested, the tops removed, and the plants fumigated.

One case may be cited to show the necessity of regulating the traffic in foreign plants. In the establishment of the date industry in Imperial County, the first lot of palms was received at Heber in 1904, infested with *Phenacoccus* and *Parlatoria* (sps.) scales. These insects had increased to such an extent this spring that the entire foliage of the palms had to be removed and the torch applied to the trunks, and after the palms had produced tons of fruit. But the Bureau of Plant Industry is now standing firmly with the California officials and rendering aid in every way to prevent the introduction of foreign insect pests. Other importers are not inclined to cooperate with the State in quarantine matters and an American association of nurserymen has carried its opposition to the point of defeating all the bills yet introduced into the national congress intended to safeguard our fruit interests. We need a thorough Federal inspection service, and the issue should be held before the public until an adequate law can be passed requiring such inspection.

MEXICAN ORANGE MAGGOT.

The presence generally of *Trypeta ludens* in the orange districts of Mexico is a continual menace to the citrus industry of California. Inadequate laws, physical difficulties and restricted means have prevented a satisfactory system of quarantine work heretofore, and yet everything has been done that could be accomplished under the circumstances. The first move made by the present State Quarantine Officer was to secure a pledge from the railroad news service that no Mexican fruit would be offered for sale on the trains. A careful investigation was made of the laws and practices of Texas and Arizona regarding the inspection of fruits and plants brought over the line from Mexico. From these investigations it was learned that Texas inspected all nursery stock from Mexico, coming into the state at Laredo and El Paso, but the officials had no authority for inspecting or quarantining fruit. Then the commissioner of agriculture of Texas was asked to allow California to place entomologists at Laredo and El Paso, to be commissioned as Texas officials and paid by California to inspect baggage and freight crossing the line. That state has no law that would authorize such inspection, and the request was refused, with the statement that Texas "would not justify an effort to inspect baggage, luggage and packages coming into the United States from Mexico." While treating the request with great interest and courtesy the commissioner of agriculture closed the negotiations with these remarks: "Our laws, however, do not extend to fruit coming into the state. I am taking the whole matter up with the attorney general for an interpretation of the national and state laws in regard to this matter." The Commissioner is cooperating with us in every way possible, but no change in the Texas laws has been made and the plan proposed could not be adopted. Arizona laws afford us protection to some extent, as

that territory has passed measures for the special purpose of intercepting insect pests, and only the inability to inspect personal effects will handicap that territory in its quarantine work. However, the problem of protecting the citrus industries from the Mexican orange maggot is being solved without waiting for new laws, and upon a basis similar to the plan proving so thorough in the inspection of maritime vessels at San Francisco.

THE GYPSY MOTH.

An incident occurred last January which shows how California must combat single-handed the introduction of noxious insects, and is another example of the lameness of our protection in the absence of Federal quarantine laws. On January 6th a shipment of nursery stock arriving in Alameda County was found infested with egg-masses of gypsy moth, imported by way of Seattle and by train to point of delivery. Immediate steps were taken to intercept this pest. Much of the stock was burned, deputies were placed in charge of the entire nursery, and a quarantine order issued locking everything and covering the entire activities of one of the largest concerns in the United States. Every plant contained in the shipment was listed, and for one week not even a cut flower was sold by the concern. The whole lot imported was examined piece by piece, fumigated heavily and placed in quarantine pen and held indefinitely and until all danger was over, the quarantine lasting for months. These plants should not have been admitted at Seattle without inspection and the power to quarantine. The moral of the incident is that California fruit interests can not be thoroughly protected from foreign insect pests through her local quarantine laws. A national law is imperative.

THE ALFALFA WEEVIL.

The problem of the alfalfa weevil is of such serious import that it is thought worthy of special notice in this bulletin. This threatened visitation presents a case in which quarantine regulations probably can not be made protective, however stringent the measures adopted to keep this pest from entering the State. But the chances of the weevil securing a hold in our alfalfa fields may be reduced to the minimum and colonization of the insect possibly prevented by the use of every means at hand to restrain it. Consequently, every avenue should be guarded and every impediment placed against the migration of this destructive creature. Especially should the first stages of an outbreak in California be reported and attacked vigorously and the insect exterminated, if possible. One incident is reported in which this weevil had overrun a field of alfalfa in a clean district, but it was exterminated by heroic means and the district saved. California laws give direct authority to meet an emergency of this kind, and if a colony of the weevil is reported promptly no doubt the attack could be repelled.

Fortunately, Utah does not produce enough alfalfa hay for the home demand, and if the ravages of the weevil are not checked there is no likelihood of a surplussage of hay for exportation. The greatest danger comes through the transportation of household goods, railroad cars and miscellaneous freight. The insect is found sheltering in all kinds of merchandise, in barns, houses, upon fences and wherever it can take

refuge. Consequently, the danger of its reaching our fields may be greater in winter time than in the season of its field activities. By the most vigilant attention to all details and the use of all precautionary measures against the weevil, our state may be kept free from this destructive insect. The following circular has been sent broadcast throughout the State:

QUARANTINE CIRCULAR NO. 2.

The Alfalfa Weevil.

There are about 3,000,000 acres of alfalfa in the United States, producing an average of three tons to the acre annually and valued at approximately \$100,000,000. This vast industry is threatened seriously by a small weevil (*Phytonomus murinus* Fab.), a native of Europe and an insect that has already become firmly established in Utah. It first appeared in that state in 1904, on the east side of Salt Lake City, and it is merely by chance that the first attack did not fall upon the magnificent alfalfa fields of California. The infestation now covers more than 100 square miles in Utah and last year 7,000 tons (estimated) were lost in the first cutting. The loss has been especially severe in the older fields where the vitality of the plants was lowest. There seems to be no hope of exterminating this pest, and as yet no fungoid enemy has attacked the insect as far as known here, and should the insect secure a hold in California there is no reason to believe it would be controlled by natural enemies or fungous disease.

A circular was issued from this office one month ago and sent to all the quarantine guardians of the State. It is now thought advisable to renew this warning, with more definite suggestions, as there is no reason to believe that an arbitrary quarantine order would be protective or possible of enforcement against so many avenues of introduction as prevail in this case. We are liable to have an outbreak of this weevil at any time and should guard every point, be vigilant in the inspection of seed, in reporting every importation of alfalfa hay and in advising alfalfa growers to take every precaution against the introduction of the weevil, and to report every infestation that is unusual or threatening. The following suggestions are offered:

1. That all horticultural commissioners, inspectors, quarantine guardians and alfalfa growers examine the growing alfalfa crops at every opportunity to see if this pest can be found.
2. Discover from what territory your seedman gets his alfalfa seed, order no seed from suspected territory and have every lot of seed on sale thoroughly inspected and fumigated.
3. Warn each seedman of the danger of ordering Utah seed and secure a promise that he purchase no supplies from suspected territory.
4. Urge that all alfalfa seed coming into the State be fumigated with carbon bisulphid.
5. Examine the wild growth of alfalfa or similar plants along the railway tracks and about the stations, and especially stock cars about the sidings.
6. Horticultural and quarantine officials should confer with alfalfa growers and request them to report all insect attacks.
7. Ask the local press, especially in alfalfa districts, to give publicity to the danger of introducing this pest.
8. Send unknown insects found in the alfalfa fields to the State Insectary, Sacramento, or to the University, Berkeley, for identification.

J. W. JEFFREY,
State Quarantine Officer.

QUARANTINE NOTES.

Appointment of Chief Deputy.

O. E. Bremner was appointed Chief Deputy Quarantine Officer of the State on the 26th day of June, assuming charge of the office at San Francisco and taking charge on that day. All correspondence upon quarantine work relating to the State at large should be addressed to Mr. Bremner, and that relating to the territory south of the Tehachapi and pertaining to local matters there should be addressed to Stephen Strong, Equitable Building, Los Angeles.

Appointment of Deputy.

Stephen Strong was commissioned Deputy Quarantine Officer on July 1, 1911, his appointment covering the territory of Los Angeles, San Bernardino, Riverside, Orange, San Diego, Imperial, Ventura, and Santa Barbara counties. Mr. Strong will have charge directly of the maritime ports of these counties, and in coöperation and coördination with the state quarantine guardians of these counties will administer

the quarantine laws in the district to which he is accredited. By reference to the interpretation of the law on another page, it will appear that this appointment does not interfere with the duties of the quarantine guardians or relieve them of any responsibilities excepting at the ports above indicated.

Giving Notice.

Quarantine guardians should require all railroad and express companies and other carriers to comply with the laws requiring the carriers to notify the guardians of the arrival of nursery stock from outside the State. Also see that the packages containing such stock are marked in accordance with the law. (See sections 1 and 2, Horticultural Quarantine Law of 1899.) Attention is called to the requirement regarding peach yellows and other contagious diseases, contained in section 5 of the same act.

General Inspection.

All quarantine guardians are requested by the State Quarantine Officer to be particularly active and observant in the inspection of crops and articles liable to harbor insects and diseases against which a quarantine has been declared and to instruct their inspectors to assist in this work. Fruit flies of all kinds should be at once reported; gypsy moth, cotton boll weevil, alfalfa weevil, eel worm, melon fly, orange maggot and citrus white fly should head the list of foreign pests to be looked for, and, if found, to be extirpated at any cost. We have had one of these perils to deal with at Marysville, Oroville, and Bakersfield. It required perhaps years for the white fly to get such a deep hold at these places. There is less excuse now for letting these insects colonize without discovery, for the State has now a corps of forty-two quarantine guardians where none were before, more men and means provided for the State Commission work and thousands of growers coöperating actively in the discovery or exclusion of our orchard foes. We may expect an invasion from some of these pests, but should be ready to meet it with all the advantage possible in favor of the fruit growers.

Inspecting Mail Packages.

Serious and continued efforts will be made to secure an order from the Postmaster General, permitting the quarantine officers to inspect packages containing plants arriving in California by mail, before such packages are delivered. For a while this privilege was granted by some of the postmasters of the State, and other of these officials would notify the inspectors of the delivery, after which the inspector would follow the package and make the examination. Finally, notice was received from the Postoffice Department to the effect that this privilege was not approved at Washington, and that the Department of Agriculture, to which the matter was referred, "disapproved of any policy that would interfere with the free interchange of plants and seeds by mail throughout the United States." This leaves as our only recourse an arrangement between the quarantine guardians and the local postmaster by which the latter shall notify the guardian of the delivery of each package by mail whose contents are subject to inspection. Every quarantine guardian should make this arrangement with the postmasters of his county.

Plants From Quarantined Districts.

The people of California can not secure plants from interdicted districts on commercial orders, nor can they secure even individual plants in the ordinary way from such territory. However, the State Quarantine Officer, recognizing that our State should not be prohibited from introducing new and improved kinds and varieties, has devised a scheme through which such introductions may be made without violating the spirit of a quarantine order. Those desiring to secure a few plants from a quarantined district for experimental purposes should read the remarks in this bulletin under Quarantine Order No. 1, and, if possible, make arrangements to secure the desired stock through the Division of Plant Introduction of the Bureau of Plant Industry at Washington.

Rejecting Nursery Stock.

Some difference of opinion exists as to the scope of the Horticultural Quarantine Law and the authority of the State Commissioner of Horticulture in handling trees grown in California and found infested or diseased at the point of delivery within the State. This may be illustrated by the following case: An intercounty shipment of apple trees was detained by the county horticultural commissioner and sent back to the shipper on account of crown-gall appearing on a certain number of the trees. The nurseryman who shipped this stock objected, claiming that the commissioner should have culled out the diseased trees and released the clean stock to the purchaser. He threatened to refer the matter to the State Commissioner. Replying to this threat the inspecting commissioner wrote the nurseryman: "I note what you say about referring the matter to the State Commissioner. If he rules that stock is not to be rejected on account of crown-gall I will make no further rejections for this cause."

This case should have been decided wholly by the county horticultural commissioner, regardless of what the State Commissioner should rule. The last-named official has no right to pass upon such cases in any way, until he has first quarantined the district or the article as provided in chapter 600, Political Code, and no authority can be found for sending out of the county infected stock grown within the State. It must not be inferred from this that the trees under consideration should have been released, or allowed to be planted in the county by the horticultural commissioner. Chapter 299, Political Code (the county horticultural law), has declared such a lot of trees a public nuisance (section 2322a), and prescribes the method of abating it, namely, to hold the infected plants and eradicate the disease. If eradication is impossible, the trees remain a public nuisance, and can not be turned over to the consignee. They may be held indefinitely in this way, and the process become equivalent to a permanent quarantine, initiated and controlled entirely by the county horticultural commissioner into whose territory the trees have been delivered. There appears to be no legal means of getting the plants out of the county of delivery, after having been declared a nuisance, and they should be sent back to the shipper by agreement if thought desirable by the commissioner. This should, of course, be done prior to serving notice under the above-named section of the law. In most cases the nurseryman would be glad to receive back a diseased lot of plants that might have escaped his own inspection. In cases of refusal or delay,

apply the law above referred to, as the county commissioner would then avoid all responsibility, even if the diseased stock perished on his hands. This process has the added advantage of preventing the trees from being offered to another orchardist. This advice is given on the presumption that the stock in question contains bona fide disease, and that it should not be planted under any circumstances. The inspector must decide as to the facts, and the law seems to make his decision final.

Federal Co-operation.

The writer of this bulletin takes opportunity here to acknowledge the uniform courtesy and material assistance extended by the Federal officials of the coast in the enforcement of the horticultural quarantine regulations. First, in helpfulness is the United States customs service, without whose aid the inspection of foreign baggage and miscellaneous parcels would be most expensive to the State and unsatisfactory. The officers not only keep our quarantine officers informed of arrivals, but they give our deputies opportunity of physical inspection and aid therein while examining packages for dutiable goods.

When the new policy of inspecting Hawaiian vessels was inaugurated last June the Federal health officers gave the horticultural deputies permission to board the boats while in quarantine. A deputy now visits each vessel along with the health officer, thus giving him the opportunity of inspecting the ships before coming to dock. The Public Health and Marine Hospital Service also gives all possible assistance to the horticultural officials, and throughout the entire Federal service at our maritime ports the spirit of coöperation is manifest, adding efficiency to the measures of protection from insect invasion inaugurated by the State Quarantine Officer.

Squirrel Extermination.

The Public Health and Marine Hospital Service and the State Board of Health are engaged in exterminating the squirrels of California in an effort to stamp out the germs of bubonic plague. The object of this campaign is to conserve public health, yet the results will be beneficial to fruit growing and farming as well, and in view of its economic relationship to agriculture the quarantine guardians and horticultural commissioners of the State are justified in giving non-official aid in every way to the extermination of squirrels. It is hoped these officials will not neglect an opportunity of assisting the State and Federal authorities in their efforts to extirpate a pest that is most harmful to our soil interests and dangerous to the health of our people.

Good Will to Nurserymen.

After attending a meeting of the Pacific Coast Association of Nurserymen, the writer can bear testimony to the good spirit that prevails upon the part of the membership toward the inspection and quarantine laws of California. From a former spirit of hostility to some of the restrictions upon the transportation of nursery stock, or at best of tolerance to many of these regulations, there has developed an attitude of coöperation with the horticultural officials of the State. Although the nurserymen are yet in opposition to what they deem unnecessary ordinances and rules concerning the handling of stock in transit, their general views are broad and helpful to the officials, leaving little cause of

friction and less danger of hostility. Scarcely a speaker at that meeting expressed other than the conviction that the inspection service of the State was beneficial, reasonably free from faults, and calculated to conserve the interests of the nurserymen and the protection of the public, in whose behalf the laws were framed.

This spirit should be appreciated by the quarantine guardians and inspectors. It should engender a reciprocal attitude upon the part of these officials, and a determination to execute the laws in such manner as will give the nurserymen as little trouble and loss as possible, rendering the inspection service as promptly and efficiently as fair dealing and energy demand. This can be done without deviating from duty, or favoring the dissemination of insect pests and plant diseases, without endangering the intimate interests of the fruit grower in any way. Firmness, capacity and common sense should rule in every case of inspection and quarantine, and it is believed that our horticultural officials are adopting policies that will tend to this end and at the same time maintain the quality of protection to the highest degree. In following out these policies the inspection service will maintain its independence and proficiency and at the same time refrain from needlessly sacrificing or endangering the business of the nurserymen.

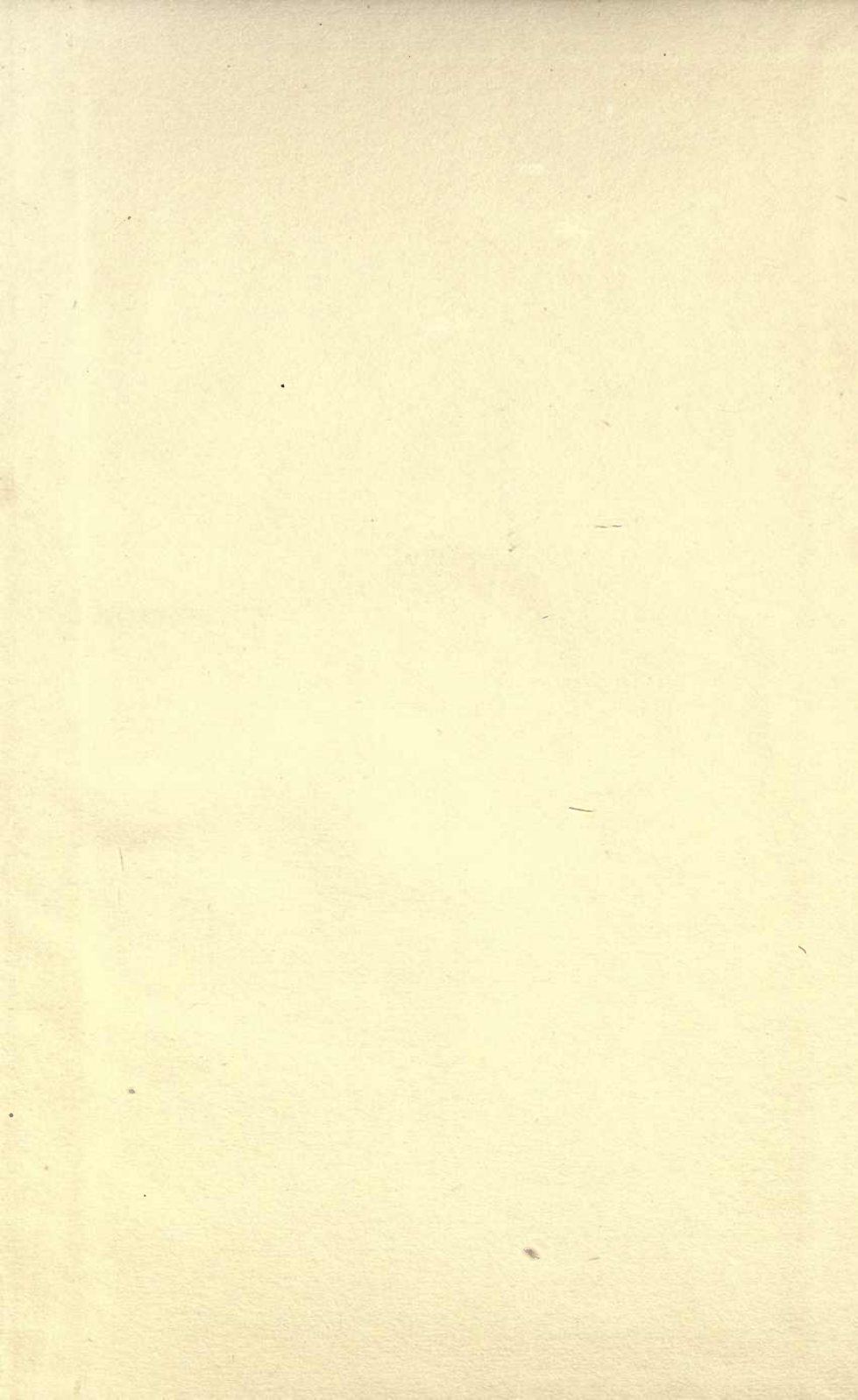
Suggestions.

If this bulletin is found helpful, the writer would be pleased to receive suggestions from any one connected with the fruit industry as to the scope and contents of other bulletins to be written and published by the State Commissioner of Horticulture. Also, opinions as to the value of this plan of giving publicity to matters touching the horticultural industries of the State.

INDEX.

	PAGE.
Alfalfa weevil:	
Quarantine Circular No. 2.....	18
territory infested, damage in Utah.....	17
Baggage inspection:	
agreement permitting, notice of passengers.....	12
first experience in searching.....	13
methods of examining.....	12
Bulletins:	
new series, purposes of.....	1
Cotton boll weevil:	
origin, extent of infection, damage.....	8
Quarantine Order No. 2.....	8
Eel worm:	
carload of infested potatoes returned.....	10
circulars of warning issued.....	11
origin of infestation.....	10
Quarantine Order No. 5.....	11
quarantine order differing from others.....	11
Federal co-operation:	
acknowledgement of, in quarantine work.....	21
assistance in securing plants quarantined.....	20
assistance from Bureau of Entomology.....	15
lack of, in mail service.....	19
need of Federal quarantine law.....	15
order relating to army transports.....	13
Fruit fly, Mediterranean:	
discovery of, in Hawaii; menace of.....	11
methods of inspection, contract, notices.....	12
order for coöperation, U. S. Transport.....	13
Quarantine Order No. 6.....	11
Gypsy moth:	
discovery on imported stock.....	17
methods of handling infestation.....	17
Horticultural commissioners, county:	
keeping records separate.....	4
list of, appointed quarantine guardians.....	3
powers and duties, rejecting nursery stock.....	20
Laws, horticultural quarantine:	
acts of 1883 and 1903, compared.....	2
character, scope, number, precedence of.....	2
deficiencies in baggage inspection.....	14
guardians, appointment authorized.....	3
lack of Federal, a State issue.....	15
lack of, in adjacent states.....	16, 17
general remarks on.....	14
quarantine orders, different applications of.....	14
recognition state authority, changes.....	15
Melon fly:	
infestations found at San Francisco.....	10
Quarantine Order No. 4.....	10
Orange maggot, Mexican:	
attempt to secure inspection, Texas.....	16
danger of introduction, precautions.....	16
lack of authority to inspect.....	16

	PAGE.
Orange seed, Florida:	
amount imported -----	6
conference with seedmen -----	6
quarantine order modified -----	7
Plants, inspection, importation:	
carriers must notify of arrival -----	19
inspection, coöperation Federal bureaus -----	15, 16
how secured from quarantined districts -----	7
inspection mail packages -----	19
not all inspected in Federal introductions -----	16
rejections by county commissioners -----	20
Quarantine guardians:	
authority of appointment, list of -----	2, 3
counties having no -----	3
keeping records separate -----	4
law giving full power to -----	4
powers and duties of -----	4
Quarantine notes:	
O. E. Bremner, appointment of -----	18
Stephen Strong, appointment of -----	18
giving notice arrival plants -----	19
general inspection, quarantine -----	19
inspection mail packages -----	19
plants for quarantine districts -----	20
rejecting nursery stock -----	20
Federal coöperation -----	21
good-will to nurserymen -----	21
suggestions -----	22
Quarantine orders:	
Citrus White Fly No. 1 -----	5, 7
Cotton Boll Weevil No. 2 -----	8
Tulare County No. 3 -----	9
Melon Fly No. 4 -----	10
Eel Worm No. 5 -----	11
Mediterranean Fruit Fly No. 6 -----	11
list of -----	5
Tulare County quarantine:	
Quarantine Order No. 3 -----	9
why especially protected -----	9
list of receiving stations -----	10
White fly:	
Quarantine Order No. 1 -----	6
same, amended to include food plants -----	6
same, amended to admit orange seed -----	7
modifying order to admit plants -----	7



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