

released from all criminal prosecution, penalties, fines, and forfeitures for failure to have cars equipped with such safety automatic couplers during such period.

SEC. 2. Pending litigation. This act shall in no manner affect pending litigation.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved February 28, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, March 1, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 52.

H. F. 81.

AN ACT to prevent the adulteration of, and deception in the sale of linseed or flaxseed oil, and to regulate the sale thereof. [Amendatory to title XII of the code, pertaining to the police of the state.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Manufacture—sale. No person, firm, or corporation shall manufacture or mix for sale, sell, or offer for sale, as raw linseed oil, any article which is not wholly the product of commercially pure linseed or flaxseed. Nor shall any person, firm, or corporation manufacture or mix for sale, sell, or offer for sale, as boiled linseed oil, any article, unless the oil from which said article is made be wholly the product of commercially pure linseed or flaxseed, and unless the same has been heated to at least two hundred and twenty-five (225) degrees Fahrenheit.

SEC. 2. Compounds excepted. Nothing in this act shall be construed as prohibiting the sale or manufacture of any compound of linseed or flaxseed oil; provided, that such compound, if it imitates in appearance and is designed to take the place of linseed or flaxseed oil, shall not be manufactured or mixed for sale, sold, or offered for sale under a name or description containing the words "linseed oil" or "flaxseed oil"

SEC. 3. Penalty. Any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each and every such violation, by a fine of not less than fifty (50) dollars, nor more than five hundred (500) dollars; and in default of the payment of such fine shall be committed to the county jail for a period of not less than thirty (30) days.

SEC. 4. Duties and powers of inspectors and board of health. It shall be the duty of the inspectors of petroleum products, under such rules and regulations as the state board of health may prescribe, to enforce the provisions of this act. The violation of any of the provisions of this act relating to the manufacture and adulteration of linseed or flaxseed oil is hereby declared to be a public nuisance, and any court of competent jurisdiction is authorized, upon application of the board of health or its agents, to enjoin such violation, in the same manner as injunctions are usually granted under the rules and practice of such court. The board, its inspectors, assistants, experts, and chemists, and others appointed by it, shall have access, ingress, and egress to and from all places of business and buildings where linseed or flaxseed oil is kept for sale, stored or manufactured. They shall also have the power and authority to open any tank, barrel, can, or other vessel containing such oil, and may inspect the contents thereof, and take samples therefrom for analysis. All clerks, book-keepers, express agents, railroad agents, or officials, employes of common carriers, or other persons, shall render them all the assistance in their power, when so requested, in tracing, finding, or inspecting such oil.

SEC. 5. Cost of analysis—county attorney. It shall be the duty of the court in every action brought under this act to tax as costs in the cause, the actual and necessary expense of analyzing the linseed or flaxseed oil which shall be in controversy in such proceeding; provided, that the amount so taxed shall not exceed the sum of twenty-five (25) dollars. It shall be the duty of the county attorney, upon the application of the state board of health, to attend to the prosecution in the name of the state, of any suit brought for violation of any of the provisions of this act within his county.

Approved March 7, 1898.

CHAPTER 53.

H. F. 246.

AN ACT to prohibit the bringing into the state of any nursery stock infested with the San Jose scale; to provide for the punishment thereof; and to prevent the spread of the scale within the state. [Additional to title XII of the code, pertaining to the police of the state.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. State entomologist—assistants—fees. The entomologist of the state experiment station is hereby constituted the state entomologist and charged with the execution of this act. He may appoint such qualified assistants as may be necessary, fix a reasonable compensation for their labor, and pay the same; and their acts shall have the same validity as his own. He shall, by himself, or his assistants, between the first day of June and the fifteenth day of September, in each year, when requested by the owner or agent or where he has reasonable grounds to believe the scale exists, carefully examine any nursery, fruit farm, or other place where trees or plants are grown for sale, and if found apparently free from the scale, he shall issue his certificate stating the facts, and shall collect therefor a fee of not less than five dollars, nor more than fifteen dollars, according to the amount of stock inspected. It shall be unlawful to sell, or offer for transportation, any nursery stock outside the county where said nursery stock is grown unless accompanied by a copy of this certificate.

SEC. 2. Quarantine—treatment—collection of cost. The state entomologist shall have authority, when requested by the owner or agent, or when he has reasonable grounds to believe the scale exists, to enter upon any grounds, public or private, for the purpose of inspection, and, if he finds any nursery, orchard, garden, or other place infested by the scale, he may, by himself or his assistants, enter upon such premises and establish quarantine regulations. If in his judgment the scale may be eradicated by treatment, he may, in writing, order such treatment, and prescribe its kind and character. In case any trees, shrubs or plants are found so infested that it would be impracticable to treat them, he may order them burned. A failure for ten days after the delivery of such order to the owner or persons in charge to treat or destroy such infested trees or plants, as ordered, shall authorize the entomologist to perform this work by himself or his assistants, and to ascertain the cost thereof. He shall certify the amount of such cost to the owner or person in charge of the premises, and if the same is not paid to him within sixty days thereafter he shall certify the amount to the county auditor, who shall spread the same upon the tax books, to be collected as other taxes are, and turned over to the entomologist to become a part of the fund for carrying this act into effect.

SEC. 3. Inspection of nursery stock shipped into state. Where nursery stock is shipped into this state, accompanied by a certificate as herein provided, it shall be held *prima facie* evidence of the facts therein stated, but the state entomologist, by himself or his assistants, when they have reason to believe any such stock is infested with the scale, shall be authorized to inspect the same and subject it to like treatment as provided in section two of this act.