

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.

SEC. 4. Certificate of inspection—penalties. It shall be unlawful for any person, firm, or corporation to bring into the state any trees, plants, vines, cuttings, and buds, commonly known as nursery stock unless accompanied by a certificate of inspection by a state entomologist of the state from which the shipment was made, showing that the stock has been inspected and found apparently free from the scale. Any person violating or neglecting to carry out the provisions of this act, or offering any hindrance to the carrying out of this act, shall be adjudged guilty of a misdemeanor and upon conviction before a justice of the peace shall be fined not less than ten dollars, nor more than one hundred dollars, for each and every offense, together with all the costs of the prosecution, and shall stand committed until the same are paid. All amounts so recovered shall be paid over to the state entomologist, and added to the fund herein provided for the carrying out the provisions of this act.

SEC. 5. Compensation. The state entomologist shall be allowed and paid for his services while engaged in this work, all his necessary traveling expenses and the sum of five dollars per day. All funds coming into his hands shall be paid over to the state treasurer, with an itemized statement of the source whence received. He shall certify the amount of his expenses and per diem to the auditor of state, who shall thereupon draw his warrant upon the treasurer of state for the amount, which shall be paid out of the funds provided for carrying this act into effect.

SEC. 6. Appropriation. There is hereby appropriated out of any moneys not otherwise appropriated, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for carrying out the provisions of this act.

Approved April 12, 1898.

CHAPTER 54.

S. F. 379.

AN ACT repealing section twenty-two hundred and ninety-one (2291) of the code, in relation to compensation for keeping patients in the insane hospitals, and to enact a section in lieu thereof.

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

SECTION 1. Amount allowed for care of patients. That section twenty-two hundred and ninety-one (2291) of the code be, and the same is hereby repealed, and the following enacted in lieu thereof:

"The trustees of the hospitals for the insane shall, from time to time, fix the monthly sum for the board and care of patients therein; which sum for the hospitals at Mount Pleasant and Independence shall not exceed twelve dollars, and for the hospital at Clarinda shall not exceed thirteen dollars; which sum shall be paid therefor, when certified by the superintendent under attestation of the hospital seal, and this certificate shall be competent evidence of the amount due for the time therein stated. The amount drawn in any one month shall be based on the average number of patients in the respective hospitals for the preceding month."

Approved April 7, 1898.

CHAPTER 55.

S. F. 37.

AN ACT to amend section twenty-three hundred and eight [2308], chapter two [2], [title twelve (XII)], of the code, relating to the rate of tax levy for county insane fund.

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

SECTION 1. Increase of tax. Section twenty-three hundred and eight of the code is hereby amended by striking out at the end of the second line the word "one-half;" and inserting in lieu thereof the word[s] "one and one-half."

Approved April 7, 1898.