

## No. 44

## AN ACT

Providing for the control and eradication of white pine blister rust; providing for the destruction of trees, plants and bushes infected with the white pine blister rust; authorizing the Department of Forests and Waters to remove, appraise and pay for healthy host plants necessarily destroyed; declaring certain plants and bushes to be a public nuisance; authorizing the Department of Forests and Waters to set aside fruiting currant and gooseberry and white pine growing districts as control areas; authorizing the collection of the expense of destroying the plants from owners failing to destroy; and providing penalties for its violation.

Section 1. Be it enacted, &c., That this act should be known as "The Pennsylvania White Pine Blister Rust Act of 1933."

White pine  
blister rust.

Section 2. For the purpose of this act, the following terms shall be construed, respectively, to mean:

Construction  
of terms.

(a) The singular and plural forms of any word or term in this act shall be interchangeable and equivalent within the meaning of the act.

(b) The word "person" shall include corporations, companies, societies, associations, partnerships, or any individual or combination of individuals. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, servant, or other individual acting for or employed by any person, as above defined, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the officer, agent, servant, or other employe.

(c) Cultivated Black Currants: Plants, roots, cuttings or scions of *Ribes nigrum* L.

(d) Currants and Gooseberries: Plants, roots, cuttings or scions belonging to the genera *Ribes* L. and *Grossularia* (Tourn.) Mill.

(e) White Pine Blister Rust Control Area: An area established by State authority wherein the planting and possession of currant and gooseberry plants is prohibited for the purpose of protecting the white pines on such area from damage by white pine blister rust. The department shall have power to use in the administration of this act unemployed persons who may be designated by the State Emergency Relief Board, and who are compensated from funds appropriated to or available for expenditure by said board.

(f) Fruiting Currant and Gooseberry Control Area: An area established by State authority wherein the planting or possession of white pines is prohibited for the purpose of protecting fruiting currants and gooseberries in such areas from damage by the white pine blister rust.

(g) White Pine: Plants of any species belonging to

the genus *Pinus* which bear their needles in clusters of five.

(h) White Pine Blister Rust: The fungous disease caused by *Cronartium ribicola* Fischer.

Control of disease.

Section 3. The fungous disease commonly known as the white pine bluster rust, caused by the organism *Cronartium ribicola* Fischer, is hereby declared to be a dangerous forest pest in all its stages, and it shall be the duty of the Department of Forests and Waters to enforce the measures hereinafter specified for the control of this pest.

Coöperation.

Section 4. The Department of Forests and Waters may coöperate with the Pennsylvania Department of Agriculture, the United States Department of Agriculture, and with counties, townships, institutions, and persons for the suppression and control of white pine blister rust.

Diseased plants declared to be a nuisance.

Section 5. Any white pines, currants or gooseberries within the State which are found to be infected with white pine blister rust are hereby declared a public nuisance, and any such diseased plants, and any and all wild plants of the genera *Ribes* and *Grossularia*, may be destroyed forthwith by order of the Department of Forests and Waters through its agents. Any currants, gooseberries or white pines not infected with white pine blister rust may be destroyed by the Department of Forests and Waters, through its agents, where necessary in carrying out the purposes of this act.

Destruction.

Control areas.

Section 6. The Department of Forests and Waters is hereby authorized and empowered to establish and to designate fruiting currant and gooseberry control areas and white pine blister rust control areas. It is further authorized and empowered to promulgate by letter, publication, poster, or other means, information concerning these control areas. In designating fruiting currant and gooseberry control areas, the Department of Forests and Waters, in coöperation with the Department of Agriculture, shall use due care to fix their boundaries so as to include areas where currants and gooseberries are grown on a commercial scale and where their value for this purpose is clearly greater than the use of the area for the production of white pine. In designating white pine blister rust control areas, the Department of Forests and Waters shall use due care to fix their boundaries so as to protect white pines on such areas from damage by white pine blister rust. It shall be the duty of every land owner within such designated areas to carry out such control measures as are ordered by the Department of Forests and Waters, including the removal and destruction of any or all wild and cultivated currants and gooseberries or white pines. No currants or gooseberries shall be planted within such white pine blister rust control areas without written permission from the Department of Forests and Waters. No white

piners shall be planted within such fruiting currant or gooseberry control areas without written permission of the Department of Forests and Waters. If the owner fails to destroy the above named plants within the time specified by the Department of Forests and Waters, the Department of Forests and Waters shall cause said plants to be destroyed. The expense thereof shall be collected from the owner by instituting, in the name of the Commonwealth, an action of assumpsit in the court of common pleas of any county through which the defendant can be served with process. All moneys recovered, less any expenses incurred in litigation, including the fees of special attorneys, if any employed therein, shall be paid into the general fund of the State Treasury.

Failure of owner to destroy.

Collection of expense by assumpsit.

Moneys recovered to be paid into State Treasury.

Section 7. (a) If cultivated currants, gooseberries, or white pines, which are not infected with white pine blister rust, are destroyed by specific order of the Department of Forests and Waters, or its agents, the owner may be compensated therefor; the damages to be appraised by the Department of Forests and Waters, or its agents, at and not to exceed the actual value of the material destroyed, and paid to said owner by the State Treasurer upon authorization of the Department of Forests and Waters: Provided, That any and all wild currants and gooseberries are hereby declared noxious weeds and no compensation shall be paid therefor.

Payment of damages.

Proviso.

(b) In lieu of any damages for any trees or bushes destroyed under this act, the Department of Forests and Waters may offer, and the owner may accept, forest planting stock to be furnished from the State Forest Nurseries.

Section 8. The Department of Forests and Waters, through its agents, shall have the right to enter upon any private or public lands to determine the presence or the absence of white pine blister rust in any of its stages, and to carry out measures for its control.

Right to enter private or public lands.

Section 9. Any person hindering the performance of duty by any agent of the Department of Forests and Waters shall be subject to the penalty imposed for other violations of this act in section eleven.

Persons hindering.

Section 10. The Department of Forests and Waters, in coöperation with the Department of Agriculture, is hereby authorized and empowered to prohibit and prevent or regulate the entry into or movement within the State from any part thereof to any other part of any white pines or any plants of genus Ribes or Grossularia when such plants are to be shipped into blister rust control areas.

Regulation of shipments into control areas.

Section 11. Any person violating any of the provisions of this act shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of payment of such

Penalty.

fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid.

APPROVED—The 24th day of April, A. D. 1933.

GIFFORD PINCHOT

No. 45

AN ACT

To amend sections ten, eleven, and thirteen of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred thirty-three), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," fixing the fee for renewal certificates, and extending the powers of the board as to revocation and suspension of certificates:

Architects.  
Registration.

Sections 10, 11  
and 13, act of  
July 12, 1919  
(P. L. 933),  
amended.

Renewal of  
certificate.

Fee.

Failure to  
renew  
certificate.

Suspension  
of certificate.

Notice to  
certificate  
holder.

Section 1. Be it enacted, &c., That sections ten, eleven, and thirteen of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred thirty-three), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," are hereby amended to read as follows:

Section 10. Each architect receiving a certificate of qualification under the provisions of this act shall, annually in the month of June during the time such holder shall desire to continue the practice of architecture as a registered architect in this State, apply for a renewal of said certificate, whereupon the said board shall, *upon the payment of a fee of four dollars*, issue to such architect, in such form as the said board may provide, a renewal of said certificate for the term of one year, and such renewal shall be duly registered by the secretary of said board in the official register of the board hereinbefore provided for.

In the event that any holder of a certificate of qualification to practice architecture shall neglect or fail to have said certificate renewed in the manner herein provided during the month of June in each and every year, the right of such architect to practice as a registered architect in this State shall cease and determine on the last day of the month of June during which said certificate should have been renewed under the provisions of this act, and it shall be the duty of the secretary of the said State Board of Examiners of Architects to give notice in writing of the expiration of such certificate to