



CHAPTER 25

An Act respecting the Protection of Plants from Destructive Insects and Fungoid Diseases and regulating the Commerce in Nursery Products

[Assented to, the 4th of April, 1929]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by replacing R. S., c. 72, chapter 72 thereof by the following: replaced.

“CHAPTER 72

“AN ACT RESPECTING THE PROTECTION OF PLANTS FROM DESTRUCTIVE INSECTS AND FUNGOID DISEASES AND REGULATING THE COMMERCE IN NURSERY PRODUCTS

“**1.** This act may be cited as the *Plant Protection Act*. Short title.

“**2.** For the purposes of this act:

1. The word “nursery-man” means any person who cultivates, for their increase and sale, trees, shrubs, bushes or fruit-bearing, ornamental or other plants; Interpretation:
“Nursery-man”;

2. The word “nursery” means the place where such trees, shrubs, bushes or plants are cultivated, kept, packed, delivered or shipped; “Nursery”;

3. The word “Minister” means the Minister of Agriculture; “Minister”;

4. The word “entomologist” means the entomologist of the Department of Agriculture, his assistant or any other “Entomologist”;

person authorized by the Minister of Agriculture to represent or replace such officer;

“Person”. 5. The word “person” comprises a firm or corporation.

Permit for nursery-man.

3. It is forbidden for any person to carry on the occupation of nursery-man in the Province without having obtained previously a permit from the entomologist for the purpose. Such permit shall be furnished gratuitously and shall expire on the 31st of December of each year.

Forms to be filled.

To obtain the permit, such person must fill in and sign the forms supplied to him for the purpose by the entomologist.

Power of entomologist to inspect.

4. Upon the production of a document stating his official capacity, the entomologist shall have the right to enter any nursery, garden, orchard, field or other premises wherein there is reason to believe that there are plants of any kind.

Resistance forbidden.

5. It is forbidden to resist, in any manner, the action of the entomologist, when acting in accordance with this act.

Keeping or selling of plants attacked by insects, etc. prohibited.

6. No one shall keep in his possession, nor offer for sale, nor in any way give to anybody whomsoever, any plant or part thereof attacked by any of the destructive insects or plant diseases hereinafter specified or by any insect or disease in an epidemic state therein or liable to become epidemic.

Information to Minister.

7. The owner or occupant of any lot of land, nursery, field, garden or orchard, where the existence of any of the insects or plant diseases hereinafter specified or of any insect or plant disease in an epidemic state or liable to become epidemic may be ascertained or suspected, shall forthwith inform the Minister thereof, and at the same time give all useful information respecting the spread of the plague.

Duties of entomologist.

8. Between the 1st of June and the 1st of October of each year, the entomologist shall visit every nursery for which the permit mentioned in section 3 has been granted, in order to ascertain the health and structure of the plants cultivated, whether or not there exists in such nursery any of the destructive insects or plant diseases hereinafter specified or any epidemic caused by insects or parasitic or non-parasitic disease, and shall deliver to the owner or person operating a nursery a certificate stating, if such be the

case, that, when he inspected such nursery, he did not ascertain the presence of any plague; such certificate shall be valid up to, and not including, the date of the inspection in the following year.

“9. During such inspection, the entomologist is authorized, for purposes of agricultural statistics, to make an inventory of the different species of plants raised there, and the owner or occupant of such nursery is obliged to furnish him, for the purpose, with correct information. Inventory during inspection.

“10. The entomologist shall, during or after an inspection of a nursery, garden, greenhouse, orchard, field or any other ground, himself destroy or give the necessary instructions for the treatment or destruction of any plant attacked or deemed to be attacked by destructive insects or plant diseases. All such instructions shall be carried out by the owners or occupants of the premises or ground aforesaid. Duty after inspection.

“11. When the entomologist ascertains the existence in a nursery, garden, orchard, field or other ground, of any one of the insects or plant diseases specified in the list given below, or of any insect or plant disease in an epidemic state or liable to become epidemic, no plant or part of a plant may be removed or transferred elsewhere until such officer has given the owner or occupant of the nursery, orchard, field or other ground, a certificate stating that the instructions he has given for the treatment or destruction of the vegetable matter attacked have been followed to such an extent as he deems necessary. When plants attacked.

When the entomologist deems the epidemic serious enough to be a menace, such officer is empowered to order, with the special authorization of the Minister, the quarantining of such nursery, garden, orchard, field or other ground, for a stated period during which the work of destroying or eradicating shall be undertaken, whereupon the aforesaid special certificate shall be delivered to the owner. If necessary, the period of quarantining may be extended by the Minister until all danger has disappeared to the satisfaction of the entomologist, and, in such case, the issue of the aforesaid certificate may be delayed for the extended period of quarantining. Quarantining.

“12. Every nursery product entering the Province of Quebec from any other province of Canada shall have a certificate of fumigation or a certificate establishing that such product is free from the insects and plant diseases Certificate for imported products.

hereinafter specified. Nursery products without one or other of such certificates are prohibited and no carrying company shall accept them for any destination within the limits of the Province.

Exception. “**13.** The Minister may permit certain persons, for scientific purposes only, to import into the Province specimens of the destructive insects and of the plants attacked by any one of the plant diseases specified in the list given in section 15.

No compensation allowed in certain event. “**14.** No compensation for expenses incurred or damages suffered through the treatment or destruction of any plants, trees or other vegetable matter attacked by any of the destructive insects or plant diseases specified in the list given below, or by any other dangerous plague, or one in an epidemic state or liable to become epidemic, or for any damages which may arise from the enforcement of this act, shall be allowed by any court when such treatment, destruction, expenses or damages result from the instructions given or the work of eradication done by the entomologist acting under this act.

Destructive insects and plant diseases. “**15.** Among the destructive insects and plant diseases to which this act shall apply, the following insects and diseases are expressly included:

<i>Common name</i>	<i>Scientific name</i>
1. The brown-tail moth.....	<i>Euproctis chrysorrhæa, L.</i>
2. The gipsy moth.....	<i>Porthetria disspar, L.</i>
3. The woolly aphid.....	<i>Schizoneura lanigera, Hausm.</i>
4. The San José Scale.....	<i>Aspidiotus perniciosus, Comst.</i>
5. Black knot.....	<i>Plowrightia morbosa, Sacc.</i>
6. White pine blister rust.....	<i>Peridermium strobi, Kleb.</i>
7. European currant rust.....	<i>Cronartium ribicola, Fisch.</i>
8. European corn borer.....	<i>Pyrausta nubilalis, Hubn.</i>
9. Apple tree borer.....	<i>Saperda candida, L.</i>
10. Apple black canker.....	<i>Physalospora cydoniæ, Arn.</i>
11. European apple canker.....	<i>Nectria galligena, Bres.</i>
12. Apple blight.....	<i>Bacillus amylovorus, Trev.</i>
13. Plum pocket.....	<i>Taphrina pruni (Fel.) Ful.</i>
14. Satin moth.....	<i>Stilpnotia salicis, L.</i>
15. Japanese beetle.....	<i>Popillia japonica, New.</i>
16. Mexican bean beetle.....	<i>Epilachna corrupta, Muls.</i>

Certificate necessary. “**16.** Every person operating a nursery in the Province is forbidden to sell, give or deliver in any way to anybody,

or to allow any plant or vegetable matter to go out of his nursery, unless he has received the certificate mentioned in section 8 of this act from the entomologist.

“**17.** No parcel containing nursery products may be accepted for shipment to any destination whatever in this Province unless it bears an official copy of the certificate issued by the entomologist and a statement showing the quantity and nature of the contents. Such copies of certificates shall be supplied by the entomologist on demand to the nursery-men, and every parcel, package, or receptacle whatsoever containing nursery products, which does not bear the said copy of certificate may be seized and confiscated by the entomologist; the vendor shall incur the loss of such products and every purchaser who accepts products without such copy of certificate does so at his own risk.

Shipment formalities.
Confiscation.
Loss.
Risk.

“**18.** Every person, other than the holder of the permit issued under section 3, who sells or offers for sale nursery products in this Province, must previously obtain a vendor's permit. Such permit is issued by the entomologist and the person applying therefor must fill in and sign the form or forms supplied by such officer. Such permit expires on the 31st of December of each year.

Vendor's permit.

“**19.** Every person who acts as agent of a nursery-man or trader and who, as such, solicits or takes orders for nursery products in the Province, shall secure and carry on his person, and show to any person requiring same, an official copy of the permit issued to his employer, at the foot of which his name in full and address shall be written. Such copy of permit will be issued upon application to the entomologist made by the employer.

Copy of permit.

“**20.** It is forbidden for any person to sell or deliver in any way whatever nursery products which are not perfectly sound, of good quality and the genuine variety, or to substitute any other varieties for those ordered, without the express and written authorization of the purchaser.

Sale, etc., prohibited.

“**21.** The Minister of Agriculture may cancel or refuse to renew any permit or certificate contemplated by this act, either for a certain period or definitely for not more than twelve months, on account of contraventions of this said act.

Cancellation etc., of permit or certificate.

“**22.** Every person who contravenes this act or the regulations made under its authority shall be liable, in

Penalty.

addition to the costs, to a fine of not less than ten dollars and not over one hundred dollars for a first offence, and, in the case of a subsequent offence, to a fine of not less than twenty-five dollars nor over two hundred dollars, and, in default of payment of such fine and costs, to imprisonment for not more than one month.

Penalty
in case
of firm or
corporation.

If the offence be committed by a firm or a corporation, in the case of the firm each of its members, and in the case of the corporation the president and directors, shall be liable to the penalties above enacted.

Provisions
applicable.

“23. The provisions of Part I of the Quebec Summary Convictions’ Act (Chap. 165) shall apply to this act.

Plant pro-
tection
service.

“24. The Lieutenant-Governor in Council may, upon the Minister’s recommendation, create a plant protection service in the Department of Agriculture.

Regulations.

“25. The Lieutenant-Governor in Council may, from time to time, upon the Minister’s recommendation, make, amend or repeal regulations:

a. To specify to what other kinds of insects and plant diseases the provisions of this act shall apply;

b. For all other purposes necessary for the carrying out of this act.

Carrying
out of act.

“26. The Minister of Agriculture shall have charge of the carrying out of this act.”

Coming into
force.

2. This act shall come into force on the day of its sanction.