

No. 98.

## AN ACT

To amend sections three, five, and nine of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and twenty-four), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties"; making it unnecessary for the Secretary of Agriculture to hear persons whose samples of insecticides and fungicides have been found to be adulterated or misbranded; requiring persons manufacturing or importing insecticides or fungicides into this State to register the same with the Secretary of Agriculture; making it unlawful to sell any insecticide or fungicide not registered; and fixing a minimum fine for the violation of this act.

Misbranded insecticides and fungicides.

Sections 3, 5 and 9 of act of May 17, 1917 (P. L. 224), amended.

Section 1. Be it enacted, &c., That section three of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred and twenty-four), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," is hereby amended to read as follows:

Enforcement of this act.

Section 3. That the Secretary of Agriculture shall promulgate uniform rules and regulations for enforcing this act, including the collection and examination, by existing bureaus, of insecticides and fungicides, manufactured or offered for sale in the Commonwealth, for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act. [and, if it shall appear after such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard, at a designated time and place; and, if it appears that any of the provisions of this act have been violated, the Secretary of Agriculture shall cause the certification of such facts to the proper court, with a copy of the results of the analysis or examination, authenticated by the analyst or expert, under oath. Results of analysis or examinations of insecticides and fungicides may be published, under the direction of the Secretary of Agriculture.]

Section 2. That said act is hereby amended by adding thereto section 5 (a) which reads as follows:

*Section 5. (a) Every person manufacturing insecticides or fungicides in this Commonwealth, and every person importing insecticides or fungicides into this State for the purpose of reselling the same on or before the first day of January of each year, or before selling, offering, or exposing for sale such insecticides or fungicides, shall register and file with the Secretary of Agriculture a certified statement of the names and number of each kind or brand of such insecticides or fungicides that he or they shall manufacture, import, or offer for sale during the next ensuing year, and such additional information concerning the same as the Secretary of Agriculture may require; and he or they shall pay to the Secretary of Agriculture the sum of five dollars (\$5.00) for each kind or brand of such insecticide or fungicide so registered: Provided, That every person registering five kinds or brands of insecticides or fungicides, and paying to the Secretary of Agriculture the sum of five dollars (\$5.00) for each, may register additional kinds or brands for the sum of one dollar (\$1.00) for each insecticide or fungicide: Provided further, That selling agents and retailers, when selling insecticides or fungicides registered by manufacturers or importers, shall not be required to effect additional registration for such brands. All moneys so received shall be immediately paid by the Secretary of Agriculture into the general fund of the State Treasury.*

Person manufacturing or importing insecticides or fungicides to register each kind or brand.

Contents of statement to be filed.

Fees.

Proviso.

Selling agents and retailers do not require additional registration.

*The Secretary of Agriculture may refuse to register any kind or brand of insecticide or fungicide, and he may revoke any registration which shall have been accepted when such kind or brand has been found to be adulterated, misbranded, or to have little or no value for the purpose for which it is intended to be used.*

Registration may be refused or revoked.

*It shall be unlawful for any person to sell, offer, or expose for sale any insecticide or fungicide that is not properly registered under the provisions of this section.*

Unlawful to sell brand not registered.

Section 3. That section nine of said act is hereby amended to read as follows:

Section 9. Any person who shall violate any of the provisions of this act, or any rule or regulation of the Secretary of Agriculture promulgated under this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not [to exceed] less than twenty-five nor more than two hundred dollars, for the first offense; and, upon conviction for each subsequent offense, be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

Violation of act a misdemeanor.

Penalty.

Effective date.

Section 4. This amendment shall take effect and be in force January first, one thousand nine hundred and twenty-six. This act shall not prevent the sale or disposal of insecticides and fungicides in the possession of dealers or selling agents at the date of the approval of this act.

APPROVED—The 4th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 99.

AN ACT

To amend section seven of an act, approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred and ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," by providing the requirement for a permit for the construction, extension, or alteration of any bridge wholly within the State.

Board of Commissioners of Navigation for the river Delaware.

Section 7 of act of June 8, 1907 (P. L. 496), amended.

Construction, extension or alteration of wharves, piers, etc.

Application.

Plans and specifications.

Hearing.

Section 1. Be it enacted, &c., That section seven of an act, approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred and ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," is hereby amended to read as follows:

Section 7. Whenever any person or persons shall desire to construct, extend, or alter any wharf or pier, or to erect, extend, alter, or improve any *bridge* or other harbor structure *wholly within the State* into or on the aforesaid river and its navigable tributaries, such person or persons shall make application to the president of the commissioners, stating in writing the nature and extent of such intended wharf, pier, or other harbor structure, or building in the nature of a wharf or harbor structure, aforesaid; and file in the office of the president of the commissioners the plans and specifications showing fully the proposed erection, construction, extension, alteration, or improvement, and produce their deed or deeds, or other evidence of title, to the property to be so occupied, altered, or improved; whereupon the president of the commissioners shall give notice of the time and place of hearing such application, to all parties interested,