

"PENNSYLVANIA WHITE PINE BLISTER RUST ACT OF 1933, THE"

Act of Apr. 24, 1933, P.L. 61, No. 44

CL. 03

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."

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

(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.

Section 3. The fungous disease commonly known as the white pine blister 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.

Section 4. The Department of Forests and Waters may cooperate 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.

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.

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 cooperation 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 pines 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.

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.

(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.

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.

Section 10. The Department of Forests and Waters, in cooperation 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.

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

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.