

# TEXAS DEPARTMENT OF AGRICULTURE BULLETIN

Published by the Texas Department of Agriculture, Austin, Texas.

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April, 1927.

No. 80.

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## THE TEXAS COTTON SEED REGISTRATION AND CERTIFICATION ACT

### Rules, Regulations, and Instructions Relative to Its Enforcement

#### STATE BOARD OF PLANT BREEDER EXAMINERS Members

- Dr. E. P. Humbert, Professor Genetics, Chairman  
College Station  
R. E. McDonald, Chief Entomologist, State Dept. Agr.  
Austin  
W. D. Farris, President Farm Bureau Federation  
Ennis

#### Administrative Officers

- Geo. B. Terrell, Commissioner of Agriculture  
J. M. Del Curto, Chief, Division of Seeds  
R. V. Miller, Chief Inspector of Cotton Breeding Farms  
J. S. Mogford, Inspector of Cotton Breeding Farms



GEO. B. TERRELL,  
Commissioner of Agriculture.

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# THE TEXAS COTTON SEED REGISTRATION AND CERTIFICATION ACT.

## THE COTTON SEED SITUATION.

It is well known by all who are familiar with the cotton planting seed situation in Texas that there has existed generally a fraudulent practice of selling gin run and oil mill seed for exorbitant prices under various guarantees of varietal purity. Despite this fact, together with the great interest and demand for pure bred cotton seed, the public has remained helpless in protecting itself against such frauds and deceptions. The purity of a variety of cotton cannot be determined by an examination of the seed and the farmer has been unable to discriminate between the seed true to variety and that which is not true to variety. This situation has discouraged the scientific breeding of cotton and the maintenance of standard varieties. As is the case with other problems of this complex nature which have arisen in other sections with reference to major crops, the solution lies in the establishment of means of field inspection and State certification for seeds of worth and value. The Texas Cotton Seed Law, which was recently added to the Statutes of this State, was enacted to provide this means.

## STATE REGISTERED AND CERTIFIED COTTON SEED MUST SHOW A PEDIGREE OF MERIT.

One of the fundamental requirements for registered or certified cotton seed is that they possess a pedigree of merit which has been passed upon by the State Board of Plant Breeder Examiners. This along with the other specifications as set forth in this Bulletin, constitutes the qualifications of the class of seed recognized by the Department of Agriculture as seed worthy of State recommendation.

The term "pedigreed" should not be construed to mean a distinct type of seed. It should be understood that all State Registered or Certified seed are necessarily pedigreed, but all so-called "pedigreed seed" are not Registered or Certified.

## PENALTY FOR MISUSE OF REGISTERED CERTIFICATES AND STATE CERTIFIED SEED.

Section 11. Every person who falsely advertises or proclaims himself a "Registered Cotton Seed Breeder" or "Certified Cotton Seed Grower" and every person who sells or offers for sale cotton seed and falsely represents it to be "Registered Cotton Seed" or "Certified Cotton Seed" shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than \$100.00 and not more than \$1,000.00.

## ANNUAL REGISTRATION.

It is important that all who are interested in certified seed understand that registered certificates are valid for one year only. All applicants for affiliation under the law are required to appear before the State Board of Plant Breeder Examiners annually. This permits an investigation of the operation of breeders during the previous year and thereby includes any criticism or irregularity of any breeder as a part of the new application. Lists of breeders may be altered for these reasons or for failure of the applicant to apply for inspection, and therefore the latest list should be consulted for an accurate enumeration of breeders whose fields have passed final inspection.

All forms of application blanks, a list of Registered Breeders and Certified Growers for each year and other detailed information concerning this law may be had by writing the Chief of Division of Plant Pathology and Seed, Department of Agriculture, Austin, Texas.

## RECAPITULATION AS SHOWN BY 1926 INSPECTION.

Breeding units inspected	35
Breeding units accepted	22
Acreage inspected—	
For registration	13,959
For certification	67,720
Total	81,679
Acreage rejected—	
For registration	1,594
For certification	6,798
Total	8,392
Acreage approved 1926—	
For registration	12,365
For certification	60,922
Total	73,287

## OFFICIAL REGISTRATION TAG.

(Front side.)

OFFICIAL TAG

No. \_\_\_\_\_

**1927 STATE REGISTERED COTTON SEED**

Produced by \_\_\_\_\_

Trade Name \_\_\_\_\_

Type or Strain \_\_\_\_\_

Container \_\_\_\_\_

**BUSHELS**

Inspected and Certified in accordance with regulations promulgated by the STATE BOARD OF PLANT BREEDER EXAMINERS.  
**GEO. B. TERRELL,** Commissioner. **J. M. DEL CURTO,** Chief of Division  
 Plant Pathology and Seeds.  
 STATE DEPARTMENT OF AGRICULTURE, AUSTIN, TEXAS

(Reverse side.)

**1927 STATE REGISTERED COTTON SEED**

This is to certify that the 1927 cotton breeding blocks and fields of the firm named hereon have been inspected by a duly authorized State Inspector and found to conform to the standards of varietal purity and uniformity established by the State Board of Plant Breeder Examiners.

The sack of seed bearing this tag is from such approved fields and the cotton has been ginned and the seed sacked in accordance with State Regulations.

Section 11, Chapter 58, Second Called Session of the 38th Legislature.

Every person who falsely advertises or proclaims himself a REGISTERED cotton seed breeder or CERTIFIED cotton seed grower and every person who sells or offers for sale cotton seed and falsely represents it to be registered cotton seed or certified cotton seed shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than \$100 and not more than \$1000.

NOTE.—The Texas Registration and Certification Act deals strictly with the varietal purity of cotton seed. This tag, consequently, pertains to this feature only, and does not give evidence as to the germination of the seed. The germination of all agricultural field seed offered for sale is covered by a separate law known as the Texas Seed Act and the tag required by this law should be examined for such information. The germination percentage is a matter of great importance and a recent and complete test should be consulted before planting. The importance of securing a satisfactory and timely stand should be kept in mind and sufficient seed planted to avoid the necessity of re-planting.

## REGISTERED SEED.

Requirements for the production of seed bearing this tag are found on page 9 under section 11 in this bulletin. This class of seed is the foundation stock of Certified and Re-certified seed.

THE TEXAS COTTON SEED LAW.  
 OFFICIAL CERTIFICATION TAG.  
 (Front side.)

OFFICIAL TAG

No. \_\_\_\_\_

**1927 STATE CERTIFIED COTTON SEED**

Produced by \_\_\_\_\_

Trade Name \_\_\_\_\_

Type or Strain \_\_\_\_\_

Container \_\_\_\_\_

**BUSHELS**

Inspected and Certified in accordance with regulations promulgated by the STATE BOARD OF PLANT BREEDER EXAMINERS.

GEO. B. TERRELL,

J. M. DEL CURTO, Chief of Division

Commissioner.

Plant Pathology and Seeds.

STATE DEPARTMENT OF AGRICULTURE, AUSTIN, TEXAS

(Reverse side.)

**1927 STATE CERTIFIED COTTON SEED**

This is to certify that the 1927 cotton breeding blocks and fields of the firm named hereon have been inspected by a duly authorized State Inspector and found to conform to the standards of varietal purity and uniformity established by the State Board of Plant Breeder Examiners.

The sack of seed bearing this tag is from such approved fields and the cotton has been ginned and the seed sacked in accordance with State Regulations, Section 11, Chapter 56, Second Called Session of the 38th Legislature:

Every person who falsely advertises or proclaims himself a REGISTERED cotton seed breeder or CERTIFIED cotton seed grower and every person who sells or offers for sale cotton seed and falsely represents it to be registered cotton seed or certified cotton seed shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than \$100 and not more than \$1000.

NOTE:—The Texas Registration and Certification Act deals strictly with the varietal purity of cotton seed. This tag, consequently, pertains to this feature only, and does not give evidence as to the germination of the seed. The germination of all agricultural field seed offered for sale is covered by a separate law known as the Texas Seed Act and the tag required by this law should be examined for such information. The germination percentage is a matter of great importance and a recent and complete test should be consulted before planting. The importance of securing a satisfactory and timely stand should be kept in mind and sufficient seed planted to avoid the necessity of re-planting.

**CERTIFIED SEED**

The seed bearing this tag are the first year progeny of Registered Seed. The requirements for the production of this class of seed are found on page 11, Section 17.



OFFICIAL RE-CERTIFICATION TAG.

(Front side.)

OFFICIAL TAG

No. \_\_\_\_\_

**1927 STATE RE-CERTIFIED COTTON SEED**

Produced by \_\_\_\_\_

Trade Name \_\_\_\_\_

Type \_\_\_\_\_

Container \_\_\_\_\_

**BUSHEL**

Inspected and Certified in accordance with regulations promulgated by the STATE BOARD OF PLANT BREEDER EXAMINERS.  
 GEO. B. TERRELL, Commissioner. J. M. DEL CURTO, Chief of Division Plant Pathology and Seeds.  
 STATE DEPARTMENT OF AGRICULTURE, AUSTIN, TEXAS

(The color of this tag is white.)

(Reverse side.)

**1927 STATE RE-CERTIFIED COTTON SEED**

This is to certify that the sack of seed bearing this tag is the first year increase of STATE CERTIFIED COTTON SEED and the 1927 fields have been inspected by a duly authorized inspector and found to conform to the standards of varietal purity and uniformity established by the State Board of Plant Breeder Examiners.

The sack of seed bearing this tag is from such approved fields and the cotton has been ginned and the seed sacked in accordance with State Regulations.

Section 11, Chapter 56, Second Called Session of the 38th Legislature:

Every person who falsely advertises or proclaims himself a REGISTERED cotton seed breeder or CERTIFIED cotton seed grower and every person who sells or offers for sale cotton seed and falsely represents it to be registered cotton seed or certified cotton seed shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than \$100 and not more than \$1000.

NOTE:—The Texas Registration and Certification Act deals strictly with the varietal purity of cotton seed. This tag, consequently, pertains to this feature only, and does not give evidence as to the germination of the seed. The germination of all agricultural field seed offered for sale is covered by a separate law known as the Texas Seed Act and the tag required by this law should be examined for such information. The germination percentage is a matter of great importance and a recent and complete test should be consulted before planting. The importance of securing a satisfactory and timely stand should be kept in mind and sufficient seed planted to avoid the necessity of re-planting.

(The color of this tag is white.)

**RE-CERTIFIED SEED.**

The seed bearing this tag are the second year progeny of Registered seed. The requirements for the production of this class of seed are found on page 11, Section 18.

RULES AND REGULATIONS RELATIVE TO THE EN-  
FORCEMENT OF THE COTTON SEED REGIS-  
TRATION AND CERTIFICATION ACT.

Pursuant to Chapter 56, Acts of the Second Called Session of the Thirty-eighth Legislature and to the regulations promulgated by the State Board of Plant Breeder Examiners under date of February 12, 1925, the following rules are herewith adopted by the State Commissioner of Agriculture for the proper and orderly enforcement of the law.

1. Application for inspection of cotton acreage for "Registration" or "Certification" as provided for in the law, will be considered from only such breeders or growers as have duly qualified before the Board of Plant Breeder Examiners for the ensuing year.

2. Application for inspection must be presented on official forms to the State Commissioner of Agriculture at Austin, Texas, on or before June 1st of each year.

3. Applications must be accompanied with check or money order covering at least one-half of fee for acreage applied upon, together with personal note covering remainder, made payable on or before October 1st of the same year.

4. All checks, money orders or notes must be made payable to the Commissioner of Agriculture.

5. By authority of Section 8 of the law, the fees for official inspection of cotton acreage are set as follows:

(a) For all acreage to be inspected for registration, the fee shall be twenty (20c) cents per acre.

(b) For all acreage to be inspected for certification the fee shall be ten (10c) per acre.

(c) For all acreage to be inspected for re-certification the fee shall be seven (7c) per acre.

6. All applicants, authorized by the State Board of Plant Breeder Examiners to operate under the special ginning privilege as provided for in the official rules of the Board, must file with the Commissioner of Agriculture, for his approval, a statement giving as accurately as possible their program for ginning in order that it will be possible to provide for the inspection and supervision necessary.

7. Reports of inspection of fields, gins and storage facilities will be filed with the Commissioner of Agriculture by official inspectors, and licenses authorizing breeders and growers to offer for sale registered or certified seed, or both, as the case may be, will be issued by the Commissioner of Agriculture in accordance with rules and regulations adopted by the State Board of Plant Breeder Examiners.

8. Labels as provided for in Section 8 of the law, and as further described in Section 20 of the Rules and Regulations promulgated by the State Board of Plant Breeder Examiners,

will be issued at cost, by the Commissioner of Agriculture to "Registered Breeders" and "Certified Growers," covering their respective actual production on their registered or certified acreage. Payment for the tags must be made by the "Breeder" or "Grower" upon delivery.

9. License of registration or certification and all "Registered," "Certified" or "Re-certified" tags in possession of any breeder or grower registered under the Act will be subject to revocation and recall for the following causes:

- (a) For failure of the cotton of any licensee to measure up to standards and requirements set in the Rules and Regulations promulgated by the State Board of Plant Breeder Examiners.
- (b) For violation of any of the Rules and Regulations promulgated by the State Board of Plant Breeder Examiners.
- (c) For unfair dealing and false advertising, or any other cause authorized by law.

10. All hearings pertaining to violations of the law, as provided for in Section 10 of the Certification Act, will be held in the office of the State Department of Agriculture, unless otherwise specified.

Given under my hand and seal of office in the City of Austin, State of Texas, this the 10th day of March, A. D. 1925.

(Seal)

(Signed) GEO. B. TERRELL,  
Commissioner of Agriculture.

## RULES AND REGULATIONS GOVERNING THE PRODUCTION OF REGISTERED AND CERTIFIED COTTON SEED.

Pursuant to Chapter 56, Acts of the Second Called Session of the Thirty-eighth Legislature, we, the State Board of Plant Breeder Examiners in convention assembled, do hereby promulgate the following rules and regulations:

### *Regular Meetings of the State Board.*

1. The State Board of Plant Breeder Examiners shall meet in the City of Austin on the second Tuesday in December each year, the first Tuesday in June each year and at College Station on the Second Tuesday in February of each year.

### *Examination for Inspectors.*

2. All persons who seek to be employed as inspectors under the provisions of this Act shall appear in person before the Board of Plant Breeder Examiners there to take such examination as may be prescribed.

*Qualifications of "Registered Cotton Seed Breeder" and for License to Produce "Registered Cotton Seed."*

3. An applicant for license as "Registered Cotton Seed Breeder" and to produce "Registered Cotton Seed," as provided for in this Act shall be a person, firm or corporation of good character and reputation for honesty, competency and fair dealing.

4. One or more persons in the employ of each firm who applied to produce "Registered Cotton Seed" shall appear before the Board of Plant Breeder Examiners at one of its regular or called meetings and there take a written examination on the principles of plant breeding and shall, as a prerequisite for further advancement, make a per cent of not less than 75.

5. Provided, that in lieu of such written examination, any applicant so desiring may place under the observation of the Board the cotton breeding work being done by him. If, after observing the work of such applicant for a period of three years, it appears that the methods used and the results attained are practical, scientific and worthy, then Regulation No. 4 shall be considered to have been complied with. After once having satisfactorily passed an examination before the Board or having been accepted as a cotton breeder as provided for herein, and having produced a strain of cotton examined by inspectors of the Board and found to possess all of the high standards for registration in the year immediately preceding the year for which license to produce seed is sought, he shall be construed to have complied with Regulation No. 4.

6. It must be shown to the Board that the person or firm seeking license to produce "Registered Cotton Seed" owns or controls land necessary in the breeding and production of seed of high purity and excellence. If such applicant does not own his land, it will be necessary to furnish said Board with copies of all contracts showing actual possession of such land.

7. The applicant shall show that he has complete control of a gin upon which no other cotton shall be ginned for the season except that produced by it or him. If the said applicant does not own the gin, then copy of contract with the owner of the gin must be supplied the Board. The word "gin" shall be construed to mean one of more stands running in parallel, commonly known as a battery. It shall be allowable for registered cotton to be ginned on the same battery ginning certified cotton produced by the same registered breeder, but before doing so the gin rolls and conveyors must be thoroughly cleaned.

8. If any applicant for license to produce "REGISTERED" or "CERTIFIED COTTON SEED" who can fulfill all other regulations herein has insufficient acreage to enable him or it to get control of a separate gin, or for other good reasons cannot get control of a separate gin, these facts may be made known to the said Board. If it shall appear practical, the said Board may grant special permission for such cotton to be ginned on a custom

gin. provided that before doing so, the gin rolls must be cleaned in the presence of a State Inspector.

9. The applicant shall be in possession of seed of a useful strain of cotton, the pedigree of which is known to the Board of Plant Breeder Examiners. The said Board reserves full power and authority to determine the merits of any cotton sought to be registered.

10. The strain of cotton must be one that will transmit to its progeny its characters without any great variation therefrom. It being an established fact that blocks may fail so to do, it is required that the Board have a knowledge of the former performance of any block sought to be registered, with an accurate pedigree of same. As proof of former performance, the Board will accept only the best evidence, which, subsequent to the promulgation of these regulations, is an examination made by its own inspectors.

*"Specifications for Registered Cotton Seed."*

11. Cotton seed to be eligible for registration, as provided for under the law, must meet the following requirements:

(a) The variety or strain of seed shall conform to the requirements specified for the "applicant seed" in paragraph 9 and 10 of these rules.

(b) The seed shall have been produced under the direct supervision of a REGISTERED COTTON BREEDER.

(c) The seed shall have been produced from plats or fields showing a varietal purity of 95 per cent or more, as determined by an OFFICIAL INSPECTOR, provided for by law.

(d) The seed shall be ginned and stored in accordance with the regulations 7, 8, 20 and 21, herewith promulgated.

*Qualifications of "Certified Cotton Seed Grower" and for "License to Produce Certified Cotton Seed."*

13. An applicant for license as "Certified Cotton Seed Grower" to produce certified cotton seed, as provided for in this Act, shall be a person, firm or corporation of good character and reputation for honesty, competency and fair dealing.

14. It must be shown to the Board that the person, firm or corporation seeking license to produce "Certified Cotton Seed" owns or controls land necessary in the production of seed of high purity and excellence. If such applicant does not own his land, it will then be necessary to furnish the said Board with copies of all contracts showing actual possession of such land.

15. Except as provided in Regulation No. 8, an applicant to produce "Certified Seed" shall show that he or it has complete control of a gin upon which no other cotton shall be ginned for the season except that produced by it or him. If the said applicant does not own the gin, then copies of contract with the owner of the gin must be supplied the Board.

16. All applicants to produce "Certified Cotton Seed" shall have in his or its possession sufficient quantity of Registered Cotton Seed to plant the acreage applied upon; provided that, if said applicant has grown Certified Seed the previous year, which was the first year progeny of Registered Seed, and which Certified Cotton Seed upon field examination has shown 92 per cent varietal purity or more, then he may be licensed to produce Certified "Cotton Seed" from this stock which shall be known as "Re-certified Seed."

*Specifications for "Certified Cotton Seed."*

17. Cotton seed to be eligible for certification, as provided under the law, must meet the following requirements:

(a) The seed shall have been produced from plats or fields showing a varietal purity of 90 per cent or more, as determined by official inspection provided for by law.

(b) The seed shall be ginned and stored according to the regulations 15, 20 and 21, herewith promulgated.

*Specifications for "Re-certified Cotton Seed."*

18. Cotton seed to be eligible for Re-certification provided for under the law must meet the following qualifications:

(a) The seed must be the Second Year progeny of Registered Seed and produced by the applicant in accordance with the provisions set forth for the production of Second Year Certified Seed, as provided for in paragraph No. 16 of these rules.

(b) The seed shall have been produced from plats or fields showing a varietal purity of 85 per cent or more, as determined by official inspection provided for by law.

(c) The seed shall be ginned and stored according to regulations 15, 20 and 21, herewith promulgated.

*General Regulations.*

19. The method of breeding cotton known as "single stalk selection" is hereby recognized by the Board of Plant Breeder Examiners as being the most desirable. No other method will be accepted except under the following conditions: The applicant having another method and practicing same shall furnish to the Board complete and full description of the method and then shall place the same under the observation of inspectors of the Board for a period of three years or from the date of the organization of this Board. At the end of that time if the report of the inspectors of the Board shall show that such block or blocks of cotton has all the high standards of purity and excellence required for registration, then the same shall be registered, as provided for herein.

20. All applicants who apply for Registration or Certification of their cotton shall be required to file with the Commissioner of

Agriculture a report of every bale of their cotton ginned, upon blanks to be supplied by the Commissioner of Agriculture. Such reports must be filed with the Department of Agriculture at the end of each week of the ginning season.

21. All cotton seed or seed cotton subject to Registration or Certification shall be stored so as not to be mixed with an other seed. It shall be deemed disqualified if stored or stacked in bulk in a warehouse with other seed or in such a location that would permit ready mixing.

22. It shall not be allowable for any person, firm or corporation licensed as Registered Cotton Seed Breeder or Certified Cotton Seed Grower to sell or offer for sale any cotton seed for any purpose unless the same be Registered or Certified.

23. When any applicant shall have complied with the foregoing regulations providing for the production of Registered Cotton Seed, and has satisfied the State Board of Plant Breeder Examiners that he or it is qualified in all particulars to produce such seed, and when he or it has paid the application fee of \$10.00, as provided for in the law, and the prescribed fees of 20 cents per acre for Registered Cotton, 10 cents per acre for Certified Cotton and 7 cents per acre for Re-certified Cotton, then the State Board of Plant Breeder Examiners shall issue to him or it a license evidencing the fact that he or it is qualified under the provisions of the law and the regulations thereunder to produce Registered or Certified Cotton Seed, as the case may be.

24. All Registered and Certified tags issued by the Commissioner of Agriculture for labeling of Registered and Certified Seed shall be as follows:

Tags for Registered Seed shall be printed on a background of blue.

Tags for Certified Seed shall be printed on a background of red.

Tags for Re-certified Seed shall be printed on a background of white.

Done in the city of College Station, Texas, on this the 10th day of February, the same being the second Tuesday in February, A. D. 1925.

E. P. HUMBERT,  
Chairman of the Board.  
J. M. DEL CURTO,  
Secretary.

THE TEXAS COTTON SEED REGISTRATION AND CERTIFICATION ACT.

CREATION OF STATE BOARD OF PLANT BREEDER EXAMINERS  
ACT OF SECOND CALLED SESSION THIRTY-EIGHTH  
LEGISLATURE.

H. B. No. 114.]

CHAPTER 56.

An Act to safeguard the public in the purchase of pure bred cotton seed, true to name, creating a State Board of Plant Breeder Examiners, defining their duties, establishing a system of registration and certification; providing that the State Board of Plant Breeder Examiners shall prescribe all necessary rules and regulations and pass upon the application of breeders and growers for registration and certification; providing further that the Commissioner of Agriculture shall make the necessary inspection for the proper enforcement of said Act, and shall have printed tags to be placed upon bags and other containers of cotton seed offered for sale under the terms of this Act, and charge a fee for same; and to enforce the provisions of this Act; prescribing penalties for the violation of said Act; providing that this Act shall be cumulative of Chapter 62, Acts of the Second Called Session of the Thirty-sixth Legislature and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Commissioner of Agriculture be and is hereby authorized and directed to establish a State Register of Cotton Seed Breeders and Cotton Seed Growers who produce and offer for sale cotton seed for planting purposes and who voluntarily apply for registration under the provisions of this Act and conform to the rules and regulations established for the administration and enforcement thereof by said Commissioner of Agriculture.

SEC. 2. As soon as practicable after the passage of this Act, the Commissioner of Agriculture of this State and the president of the A. & M. College of this State, shall appoint a State Board of Plant Breeder Examiners composed of three men who shall be experienced in the science of plant breeding. It shall be the duty of the State Board of Plant Breeder Examiners to meet in the City of Austin on the second Tuesday in December of each year and to hold such other meetings as may be necessary. All applicants for license as cotton breeder and all applicants for license as certified cotton seed grower shall appear in person before the said State Board of Plant Breeder Examiners and shall furnish such information as the Board may require. It shall be the further duty of the Board to prescribe the qualifications of inspectors that may be employed under the provisions of this Act. All applicants for license as Registered Cotton Seed Breeder and Certified Cotton Seed Grower shall pay to the said Board a fee of ten (\$10.00) dollars as a prerequisite to such application for such license. Such fees as may be collected shall be used by the said State Board of Plant Breeder Examiners in defraying expenses incident to conducting such examinations.



SEC. 3. Any cotton breeder in the State, or any person, firm or corporation engaged in breeding cotton and who produces and offers for sale, cotton seed for planting purposes and who has in his or its employ experienced and competent cotton breeder or breeders shall be eligible to registration as a Registered Cotton Seed Breeder, when he or it has satisfied the State Board of Plant Breeder Examiners herein provided for.

(1) That he or it is a person, firm or corporation of good character and reputation for honesty, competency and fair dealing;

(2) That he is skilled in the science of cotton breeding or has in his or its employment one or more persons who are skilled in the science of cotton breeding;

(3) That he, or persons in his or its employment has originated or made distinctive improvements in the character of a useful strain of cotton;

(4) That he or it owns or controls land and other facilities necessary in the breeding and production of seed of high purity and excellence; and has complied with the rules and regulations established by said State Board of Plant Breeder Examiners in pursuance of said Act.

SEC. 4. When the application of breeder of cotton seed made under the provisions of this Act has been approved by the said State Board of Plant Breeder Examiners herein provided for, said applicant shall be registered as a "Registered Cotton Seed Breeder" and shall be issued a certificate to that effect and shall be entitled to use the title "Registered Cotton Seed Breeder"; and to advertise and sell cotton seed produced in conformity with the provisions of this Act and the rules and regulations established in pursuance thereof as "Registered Cotton Seed"; which certificate shall expire one year from date of issue unless otherwise revoked as herein provided.

SEC. 5. Any person, firm or corporation engaged in producing cotton seed to be offered for sale for planting purposes shall be eligible for registration as a "Certified Cotton Seed Grower," when he or it has satisfied the State Board of Plant Breeder Examiners.

(1) That he or it is a person, firm or corporation of good character and reputation for honesty, competency and fair dealing;

(2) That he or it will plant only seed obtained from a Registered Cotton Seed Breeder, and will offer for sale only the first or second year progeny of such registered cotton seed;

(3) That he or it owns or controls land and other facilities necessary in the production of seed of high purity and excellence; and has complied with the rules and regulations established by said State Board of Plant Breeder Examiners in pursuance of this Act.

SEC. 6. When the application of a cotton seed grower made under the provisions of this Act has been approved by the said

State Board of Plant Breeder Examiners, said applicant shall be registered as a "Certified Cotton Seed Grower" and shall be issued a certificate to that effect and shall be entitled to use the title "Certified Cotton Seed Grower," and to advertise and sell cotton seed produced in conformity with the provisions of this Act and the rules and regulations established in pursuance thereof as "Certified Cotton Seed," provided, however, that said certificate shall expire one year from date of issue unless otherwise revoked as herein provided for.

SEC. 7. The State Board of Plant Breeder Examiners shall prepare suitable form of application for registration for cotton seed breeders and cotton seed growers, and shall establish rules and regulations, tests and standards to carry into effect the purposes of this Act, which are to provide supplies of high grade cotton seed for planting purposes, and to enable the farmers to secure pure bred cotton seed for planting true to name. Said forms shall be in conformity with the provisions of this Act, and all tags furnished the registered seed breeders and certified seed growers, shall contain the words "Registered Cotton Seed Breeder," or the words, "Certified Cotton Seed Grower," and such other conditions as may be prescribed by the State Board of Plant Breeders Examiners. The Commissioner of Agriculture of this State shall employ a sufficient number of competent inspectors to inspect fields of cotton, and the facilities for ginning, storing and handling cotton seed owned or controlled by persons registered under this Act and used in the production of cotton seed to be offered for sale for planting purposes. Said inspectors shall make reports upon forms provided by said Commissioner of Agriculture.

SEC. 8. If the reports of said inspectors show that the cotton grown by licensee hereunder and the facilities for ginning, storing, and handling same conform to the rules, regulations and standards established by the State Board of Plant Breeder Examiners, there shall be issued to him or it a certificate evidencing his or its right to offer for sale the cotton seed as produced as "Registered Cotton Seed" or "Certified Cotton Seed". Then the said Commissioner of Agriculture shall also issue to said cotton seed breeders and cotton seed growers tags or labels to attach to packages or containers containing said cotton seed, certifying that same has been produced under the terms of this Act, and an amount sufficient to cover all cost of printing tags and inspectors shall be collected by the Commissioner of Agriculture.

SEC. 9. Before any cotton seed breeder or cotton seed grower is registered under this Act, he or it shall agree in writing to pay to the said Commissioner of Agriculture an inspection fee to be fixed by said Commissioner of Agriculture, to pay the expense of inspecting his fields, gin and other facilities used in producing cotton seed, and for printing tags. Said fee shall not exceed 25 cents per acre for each acre of cotton, \$1.00 for each gin and warehouse.

All money so collected shall belong to a special fund of this State and shall be paid over by the Commissioner of Agriculture to the Treasurer of the State, during the first week of each month, and shall be credited to the "Special Pure Bred Cotton Seed Inspection Fund", and such fund shall be expended in the enforcement of this Act, by the Commissioner of Agriculture, and in the purchase and supply of means to enable the Commissioner and his agents to enforce the provisions of this Act; and all such expenditures shall be verified by the affidavit of the Chief of the Division of Plant Pathology and Seeds to the Commissioner of Agriculture, and on the approval of such expenditures by the Commissioner of Agriculture, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, to be paid out of the "Special Pure Bred Cotton Seed Inspection Fund."

SEC. 10. If the report of an inspector shall show that the character, quality and varietal purity of any field of cotton grown by any licensee hereunder does not conform to the rules, regulations, tests and standards promulgated under authority of this Act, or that the gin, warehouse, or other facilities do not conform to such rules, regulations, tests or standards, or if charges be made that any of the licensees hereunder have been guilty of any dishonest, unfair or improper conduct or practice in the conduct of his or its business of breeding or growing and selling cotton seed, the said Commissioner of Agriculture shall give written notice thereof to said breeder or grower and fix a time for hearing evidence relating to said report or charges of which the accused party shall have at least ten days' notice. If in the judgment of said Commissioner of Agriculture such adverse report or charges are sustained, he shall cancel the registration and certificate of accused party and retake all tags or labels and license or certificate issued to him or it. Provided, that in case any REGISTERED COTTON SEED BREEDER or CERTIFIED COTTON SEED GROWER is not satisfied with such verdict of the Commissioner of Agriculture, such person or persons shall have the right to appeal the case to the State Board of Plant Breeder Examiners and shall be entitled to a rehearing.

SEC. 11. Every person who falsely advertises or proclaims himself a "Registered Cotton Seed Breeder" or "Certified Cotton Seed Grower" and every person who sells or offers for sale cotton seed and falsely represents it to be "Registered Cotton Seed" or "Certified Cotton Seed" shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not less than \$100.00 and not more than \$1,000.00.

SEC. 12. This Act shall be cumulative of an Act, known as Chapter 62, Acts of the Second Called Session of the Thirty-sixth Legislature, regulating the sale of and defining agricultural and garden seed and mixed seed, and shall not be construed to repeal any part of said Act, unless in direct conflict with the same.

SEC. 13. The fact that there is now no law to adequately protect the public in the purchase of pure bred cotton seed, true to name, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule, which requires all bills to be read on three several days and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.







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