

**OFFICIAL REPORT OF THE TWENTY-EIGHTH
FRUIT-GROWERS' CONVENTION OF THE STATE
OF CALIFORNIA. HELD UNDER THE AUSPICES
OF THE STATE HORTICULTURAL COMMISSION,
AT LOS ANGELES,
COMMENCING TUESDAY, MAY 5TH, AND
ENDING FRIDAY, MAY 8TH, 1903**

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Official Report of the Twenty-Eighth Fruit-Growers' Convention of the State of California. Held under the Auspices of the State Horticultural Commission, at Los Angeles, Commencing Tuesday, May 5th, and Ending Friday, May 8th, 1903 by California State Board of Horticulture

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CALIFORNIA STATE BOARD OF HORTICULTURE

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CALIFORNIA STATE HORTICULTURAL COMMISSION.

ELLWOOD COOPER, - - - *Horticultural Commissioner.*
ALEXANDER CRAW, - *Deputy Horticultural Commissioner.*
JOHN ISAAC, - - - - - *Clerk.*

TABLE OF CONTENTS.

	PAGE.
AN ACT TO CREATE A STATE COMMISSION OF HORTICULTURE.....	5
PROCEEDINGS OF FIRST DAY.	
Morning Session—	
ADDRESS OF WELCOME. By Hon. Ferd. K. Rule	9
PRESIDENT COOPER'S ADDRESS	10
DISCUSSION	18
COMMITTEE ON PRESIDENT'S ADDRESS	20
Afternoon Session—	
APPOINTMENT OF COMMITTEES	24
IRRIGATION AND CULTIVATION. By John Hofman	24
HANDLING THE SOIL. By J. H. Reed	29
DAIRYING IN CONNECTION WITH FRUIT-GROWING. By C. W. Leffing- well, Jr.	36
THE RECLAMATION OF ARID LANDS. By L. M. Holt	39
THE DUTY OF WATER. By T. S. Van Dyke	47
DISCUSSION ON THE GROWING OF ORANGES	52
RESOLUTION RELATIVE TO DISEASES AND CULTURAL METHODS OF CITRUS TREES	58
DISCUSSION ON IRRIGATION	59
PROCEEDINGS OF SECOND DAY.	
Morning Session—	
CURING AND MARKETING OF LEMONS. By C. C. Teague	63
THE ORANGE FROM BLOSSOM TO CAR. By A. D. Bishop	66
A FRUIT-GROWER'S WANTS AND DESIRES. By Edward Berwick	69
MARKETING CITRUS FRUITS. By A. H. Naftzger	74
DISCUSSION	79
RESOLUTIONS RELATIVE TO PARCELS-POST CONVENTION.	84
RESOLUTION THANKING GOVERNOR PARDEE	84
RESOLUTIONS RELATIVE TO RATES, ETC., ON EASTERN FRUIT SHIP- MENTS	85
Afternoon Session—	
QUESTION-BOX	87
REPORT OF COMMITTEE ON FARM LABOR	89
DISCUSSION	92
FRUIT-FLIES AND THEIR EXCLUSION. By Alexander Crow	94
THRIPS. By Prof. A. J. Cook	98
PARASITES OF INJURIOUS INSECTS. By Dr. W. B. Wall	102
DISCUSSION	105
REPORT OF COMMITTEE ON RESOLUTIONS	111
RESOLUTIONS OF THANKS TO SENATOR BARD	111

Evening Session—

	PAGE.
ADVERTISING CALIFORNIA. By J. A. Flicher	112
ADVERTISING CALIFORNIA. By Frank Wiggins.....	116
ADVERTISING CALIFORNIA FRUIT PRODUCTS. By W. D. Curtis.....	120
ADVERTISING CALIFORNIA FRUIT PRODUCTS. By B. N. Rowley	125
ADVERTISING CALIFORNIA FRUIT PRODUCTS. By J. C. Newitt	129

PROCEEDINGS OF THIRD DAY.**Morning Session—**

THE MARKETING OF WALNUTS AND DRIED FRUITS. By J. B. Neff....	135
WALNUT MARKETING. By Frank E. Kellogg	137
DECIDUOUS FRUITS IN THE SOUTH. By Prof. J. W. Mills.....	140
PESTS AND DISEASES OF DECIDUOUS FRUITS. By John Isaac	143
DISCUSSION	147

Afternoon Session—

QUESTION-BOX	154
MARKETING CITRUS FRUITS. By F. M. Chapman	158
DIFFERENT VARIETIES OF ORANGES AND THEIR RESPECTIVE MERITS. By Chas. C. Chapman.....	163
PRUNING TO IMPROVE THE ORANGE. By C. R. Paine.....	169
REPORT OF COMMITTEE ON PRESIDENT'S ADDRESS.....	177
DISCUSSION	177
VOTE OF THANKS	180
NEXT CONVENTION	180

PROCEEDINGS OF FOURTH DAY.**Morning Session—**

MEMORIAL TO PRESIDENT ROOSEVELT.....	181
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AN ACT TO CREATE A STATE COMMISSION OF HORTICULTURE.

[Approved March 26, 1908]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The office of State Commissioner of Horticulture of California is hereby created. It shall be the duty of the Governor, within forty days after the passage of this Act, to appoint a citizen and resident of this State to hold said office of State Commissioner of Horticulture, who must at the date of his appointment be a skilled horticulturist and entomologist. The term of office shall be for four years, and until a successor is appointed and qualified. The Governor may remove such Commissioner from office at any time, upon filing with the Secretary of State a certificate of removal signed by the Governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the Governor shall fill the vacancy for the unexpired term. The salary of said Commissioner shall be two hundred and fifty dollars per month, and he shall be allowed in addition a sum not to exceed five hundred dollars yearly for traveling and incidental expenses necessary in the discharge of his duties herein provided for. Such Commissioner may appoint a clerk at a salary of one thousand five hundred dollars per year, who shall perform the duties required of him by such Commissioner. In appointing such Commissioner and his successor or successors, it shall be the duty of the Governor to disregard political affiliations, and be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. The office of said Commissioner shall be kept open every day except holidays, and shall be in charge of the clerk during the absence of such Commissioner. The main office of such Commissioner shall be at the City of Sacramento. The Secretary of State shall furnish and set aside in the capitol a room or rooms suitable for offices for said Commissioner, and if the Secretary of State shall make and file an affidavit with the said Commissioner stating that it is not possible for him, as such Secretary of State, to provide and set aside an office for said Commissioner in the capitol, or in any State building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such Commissioner, the said Commissioner may rent rooms convenient and suitable for his offices under this Act, at a rental not to exceed five hundred dollars per year. Said Commissioner may also keep and maintain an office in the City and County of San Francisco at a yearly rental not to exceed the sum of five hundred dollars, and may appoint a Deputy Commissioner who shall be an expert entomologist and horticulturist, to have charge of said office under said Commissioner, and to perform any and all duties which said Commissioner may require of him under this Act, and shall fix the monthly compensation of such deputy at \$200 per month. Such deputy shall hold his position during the pleasure of such Commissioner, and may be removed from his office or position at any time by said Commissioner filing with the Secretary of State a certificate signed by said Commissioner so removing such deputy. Said Commissioner may also appoint, by and with the approval of the Governor, such temporary deputies from time to time as may be required for quarantine purposes under this Act, and such temporary deputies shall receive such compensation per diem as may be specified in the writing so approving such appointment. If there be not sufficient furniture and office appliances turned over to such Commissioner by the State Board of Horticulture heretofore existing, to furnish and equip properly the office or offices for such Commissioner at Sacramento and San Francisco aforesaid, the said Commissioner may, by and with the approval of the Governor, purchase for the use of his said office or offices such furniture and appliances as may be necessary therefor, and from time to time, at an expense not to exceed a sum to be mentioned in such approval,

which expense, together with all other expenses authorized by this Act, is hereby allowed for the purposes specified.

SEC. 2. Upon taking office under this Act such Commissioner shall be entitled to receive and have turned over to him as such Commissioner all the books, records, and property in the possession, charge, custody or control of the State Board of Horticulture heretofore existing, and all such property shall be delivered to such Commissioner upon demand. Such Commissioner shall be deemed for such purposes the successor of said board.

SEC. 3. Such Commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture, and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; correspond with horticultural societies, colleges and schools, and with the County Boards of Horticulture existing or that may exist in this State, and with all other persons necessary to secure the best results to horticulture in this State. He shall require reports from County Boards of Horticulture in this State, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual report, or both, as he shall deem proper. He shall issue and cause to be printed and distributed to County Boards of Horticulture in this State, and to all other persons whom he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this State. Such Commissioner shall be deemed to be the State horticultural quarantine officer mentioned in chapter seventy-six of the laws of eighteen hundred and ninety-nine, for the purpose of that Act, and shall be empowered to perform the duties which under that Act are to be performed by the State horticultural quarantine officer; provided, that any inspection therein authorized, when made by such Commissioner, must be with the approval of the Governor, and as provided by this Act.

SEC. 4. Said Commissioner may, by and with the approval of the Governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit-pits, fruit, vegetables, or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this State or elsewhere within the State, and he may make and enforce, with the approval of the Governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of horticulture, from passing over any quarantine line established and proclaimed pursuant to this Act, and all such articles shall, during the maintenance of such quarantine, be inspected by such Commissioner or by a deputy appointed in writing by said Commissioner with the approval of the Governor, and he or the deputy so conducting such inspection shall not permit any such article to pass over such a quarantine line during such quarantine, except upon a certificate of inspection signed by such Commissioner or in his name by such a deputy who has made such inspection, unless such article has been immediately prior to such passage inspected by an officer or agent of the United States entitled to inspect the same, and such officer or agent has granted permission for such passage. All approvals by the Governor given or made pursuant to this Act shall be in writing and signed by the Governor in duplicate, and one copy thereof shall be filed in the office of the Secretary of State, and the other in the office of said Commissioner before such approval shall take effect.

SEC. 5. Upon information received by such Commissioner of the existence of any infectious disease, insect or pest, dangerous to any such article, or to the interest of horticulture within this State, or that there is a probability of the introduction of any such infectious disease, insect or pest into this State or across the boundaries thereof, he shall proceed to thoroughly investigate the same, and may, by and with the approval of the Governor, establish, maintain and enforce quarantine as hereinbefore provided; with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any grounds or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of

horticulture, or implement thereof, or box or package pertaining thereto, or connected therewith, or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this Act.

SEC. 6. Upon the discovery of any such infectious disease, insects or pests, such Commissioner shall immediately report the same to all County Boards of Horticulture together with a statement as to the best known means or method for circumscribing, exterminating or eradicating the same, and shall state therein specifically what treatment or method should be applied in each case, as the matter may require, with a detailed statement or prescription as to the method of making or procuring, and of applying any preparation or treatment so recommended therefor, and the times and duration for such treatment, and if chemicals or articles be required other than those usually obtainable at any town, the place or places where they are most readily to be obtained; and upon the receipt of such statement by any County Board of Horticulture, or any member thereof, it shall be the duty of such County Board of Horticulture to distribute such statement in printed form to every person owning or having charge or possession of any orchard, nursery stock, tree, shrub, or article of horticulture within their county, where it is supposed by said County Board there is any danger to the interests of horticulture, and such a statement must be served with or be a part of the notice to be given to the owner or owners, or person or persons, in possession of any orchard, nursery, tree, shrub, or article of horticulture, referred to, provided for, and required to be served in and by section two of chapter one hundred and eighty-three of the laws of eighteen hundred and ninety-seven, or any amendments which have been or may be made thereto.

SEC. 7. Whenever it shall become necessary to establish quarantine under this Act, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said State Commissioner of Horticulture shall notify such authority or officers of the United States, and co-operate as far as possible with such authorities or officers of the United States wheresoever the jurisdiction of the United States extends and is being exercised, and shall obtain, whenever desirable and possible, the assent of the proper authority or officers of the United States to the establishment or change of quarantine lines, so as to most effectively and speedily accomplish the purposes of this Act. The said Commissioner shall at once notify the Governor of all quarantine lines established under or pursuant to this Act, and if the Governor approve or shall have approved of the same or any portion thereof, the Governor shall issue his proclamation proclaiming the boundaries of such quarantine, and the nature thereof, and the orders, rules or regulations prescribed for the maintenance and enforcement of the same, and shall publish such proclamation in such manner as he may deem expedient to give proper notice thereof.

SEC. 8. The said State Commissioner shall be ex officio a member of all County Boards of Horticulture existing or that may be created or exist in this State pursuant to law, whenever he is present and acting with said County Board within the county, where such County Board exists, but when he is not so present in such a county, acting with such County Board, then the said County Board shall have all the power and authority conferred on it by law, and may exercise such power by the action of the members of such County Board or a majority thereof. The reports which County Boards of Horticulture are required by law to make, or which they may desire to make, shall, after the passage of this Act, be made to the State Commissioner of Horticulture.

SEC. 9. It shall be the duty of the Superintendent of State Printing to print and deliver to the State Commissioner of Horticulture, upon the written request of said Commissioner, all such bulletins, orders, rules, regulations, statements, reports, and other printed matter, as the said Commissioner may deem necessary to have and use for carrying out the purposes of this Act, and it shall be the duty of the Secretary of State to cause to be prepared and furnished to such State Commissioner all stationery, paper, blank forms, envelopes, and writing material needful and convenient for use in the office of such Commissioner.

SEC. 10. It shall be the duty of said State Commissioner to report in the month of January in each even-numbered year to the Governor, and in each odd-numbered year