

CHAPTER XXXIV.

March 6, 1871.

An Act for the prevention of cruelty to animals.

- SECTION 1. Penalty for cruelly misusing any horse, ox or other animal—in what amount.
2. Liability of owners of, who knowingly permit illtreatment to said animals.
3. Penalty for working or using animals when unfit.
5. Limitation of time in transporting animals by railroads without resting—how estimated.
6. In case owner refuses to pay for care and feed of animals so transported, how collected.
7. Penalty for violation of provisions of two preceding sections.
8. Definition of the words "animals," "owners," "person," and "whoever."
9. Punishment for abandonment of infirm or disabled animals.
10. Punishment for keeping or visiting any place for the purpose of fighting bulls, bears, cocks, or other animals.
11. How arrest may be made.
12. Duty of Sheriffs, Constables and Police officers—disposition of fines collected—for what purpose.
13. Jurisdiction of Police Courts.
14. Provisions of certain sections not applicable when animals are watered and fed.
15. Repeal of inconsistent acts.
16. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That whoever shall overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or cause, or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any horse, ox or other animal, and whoever having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food, drink and shelter, or protection from the weather, shall, for each and every such offense be punished by imprisonment in jail, not exceeding three months, or by fine not less than ten dollars, and not exceeding one hundred dollars, or by both such fine and imprisonment.

Penalty for misusing dumb beasts—in what amount.

SEC. 2. Every owner of, or person having the charge or custody of any horse, ox or other animal, who shall, knowingly and wilfully authorize or permit the same to be subjected to, or suffer any unnecessary torture or cruelty, shall be punished for every such offense in the manner provided in section one.

Liability of owners of, permitting ill-treatment to animals.

SEC. 3. Every owner, driver, or possessor, or person having charge or custody of an old, maimed or disabled, or diseased horse, mule, ox or any other animal, who shall cruelly work the same when unfit to work, or cruelly abandon the same, shall be punished for every such offense in the same manner provided in section one.

Penalty for using animals when unfit.

SEC. 5. No railroad company in this state in the carrying and transportation of sheep, swine or other animals shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental causes, without unloading for rest, water and feeding, for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest on connecting roads from which they are received, except upon contingencies hereinbefore stated.

Transporting animals by railroad time limited—how estimated.

SEC. 6. If the owner or person in charge of the said animals, refuses or neglects to pay for the care or feed of animals so rested, the railroad company may charge such expense to the owner or consignee, and retain a lien upon the animals until the same is paid; and no claim or damages for detention shall be recovered by the owner or shipper of any animals for the time they are detained under the provisions of this act.

Refusal to pay for such care and feed, how collected.

SEC. 7. Any railroad company, owner, consignee, or person in charge of said cattle, sheep, swine, or other animals, who shall violate any provision of the fifth or sixth section of this act shall for each and every violation be liable for and forfeit and pay a penalty of one hundred dollars (\$100), to be recovered in the name of the people of the state of Minnesota, before any justice of the peace of the proper county.

Penalty for violation.

SEC. 8. In this act the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "person," and "whoever," shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by, or in custody of such corporations shall

Defines certain words.

be held to be the acts and knowledge of such corporations.

Punishment for abandonment of disabled animals. SEC. 9. It any maimed, sick, infirm, or disabled animal shall be abandoned to die by any owner, or person having charge of the same, such person shall for every such offense be punished in the same manner provided in section one.

Penalty for fighting bulls, bears, cocks, etc. SEC. 10. Any person who shall keep, or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purposes of fighting, or baiting any bull, bear, dog, cock, or other creature, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, and every person who shall visit such place so kept or used, or who shall be found therein, shall upon conviction thereof, be punished for every such offense, in the same manner provided in section one.

How arrests may be made. SEC. 11. Any person found violating the laws in relation to cruelty to animals, may be arrested and held without warrant, in the same manner as in case of persons found breaking the peace; and the person making an arrest with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested. And shall properly care and provide for such animals until the owner thereof shall take charge of the same; *Provided*, The owner shall take charge of the same within sixty days from the date of said notice. And the person making such arrest shall have a lien on said animals for the expense of such care and provision.

Duty of sheriffs, etc.—disposition of fines collected. SEC. 12. It shall be the duty of all sheriffs, deputy sheriffs, constables and police officers to prosecute all violations of the provisions of this act which shall come to their notice or knowledge, and any policeman, sheriff or constable of any city or county, or any agent of the Minnesota society for the prevention of cruelty to animals, shall, upon his own view of any such violation or upon the complaint of any other person who may declare his or her name or abode to such policeman, constable, sheriff, or agent, make arrests, and bring before any court or magistrate thereof, offenders found violating the provisions of this act. And all fines and forfeitures imposed or collected under the provisions of this act, in any such city or county, shall inure and pay over to the Minnesota

society for the prevention of cruelty to animals, in aid of the benevolent objects for which it was incorporated.

SEC. 13. The several municipal and police courts and justices in this state shall have full concurrent jurisdiction with the district court of all offenses under this act, and to the full extent of the penalties therein specified.

Jurisdiction of police courts.

SEC. 14. The provisions of section five of this act, requiring animals to be unloaded, shall not apply when they are properly fed and watered on the cars in which they are transported.

Provisions of certain sections not applicable, when.

SEC. 15. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 16. This act shall take effect from and after its passage.

When act to take effect.

Approved March 6, 1871.

CHAPTER XXXV.

An Act accepting a grant of land to the State of Minnesota to "aid in the improvement of the navigation of the Mississippi river," made by act of Congress approved July twenty-third, one thousand eight hundred and sixty-eight.

March 6, 1871.

SECTION 1. Grant of land donated by Congress accepted,
2. When act to take effect.

WHEREAS, the congress of the United States did, by an act approved July twenty-third, one thousand eight hundred and sixty-eight, grant to the state of Minnesota, two hundred thousand acres of land for the purpose of aiding said state in constructing and completing a lock and dam at Mecker's Island (so-called), in the Mississippi river, in said state, and thereby facilitating the navigation of the Mississippi river between the falls of