

CHAPTER 209.

[H. F. No. 291.]

AN ACT TO AMEND TITLE SIXTEEN (16) OF THE PENAL CODE OF MINNESOTA RELATING TO CRUELTY TO ANIMALS.

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

SECTION 1. That title sixteen (16) of the penal code of Minnesota be and the same is hereby amended so as to read as follows:

SEC. 2. A person who overdrives, overloads, tortures, or cruelly beats or neglects, or unjustifiably injures, maims, or mutilates or kills any animal, whether belonging to himself or to another; deprives of necessary food, water or shelter, any animal of which he has the charge or control or which he has impounded or confined or keeps or carries in or upon a vehicle or otherwise, any animal in a cruel or inhuman manner; or keeps cows or other animals in any inclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk; or being a person or corporation engaged in transporting live stock, detains such stock in cars or in compartments for a longer continuous period than twenty-four (24) hours, within this state, without supplying the same with necessary food, water and attention, or permits such stock to be so crowded together as to overlie, crush, wound or kill each other, or procures or permits any of the above mentioned acts to be done, or wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is punishable by imprisonment not exceeding three (3) months or fine of not more than one hundred (\$100) dollars.

Cruelty to animals.

Penalty.

SEC. 3. Any agent or officer of the "Minnesota Society for the Prevention of Cruelty," or of any society duly incorporated for that purpose, may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens, called by him to view the same in his presence, to be glaudered, injured or diseased past recovery for any useful purpose. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent of said society or societies may take charge of such animal and of such vehicle and its contents, and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof; and all necessary expenses incurred in taking charge of such property shall be a lien thereon.

Powers of agent or officer of Minnesota Society for Prevention of Cruelty.

Fine for
destruction of
certain birds.

SEC. 4. Any person who shall wantonly maim, kill or destroy, by any means whatever, any brown thrush, blue-bird, martin, swallow, wren, catbird, robin, pee-wee, meadow-lark, or other insect-devouring bird of any kind or name whatever, or wantonly destroy the nests or eggs of any such bird, is punishable by fine not exceeding fifteen (15) dollars nor less than one (1) dollar.

Fine for
poisoning any
animal.

SEC. 5. A [any] person who unjustifiably administers any poisonous or noxious drug or substance to any animal, or procures or permits the same to be done, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another, is punishable by imprisonment not exceeding three (3) months, or fine of not more than one hundred (100) dollars.

Cock-fighting,
dog-fighting,
etc., penalty
for engaging
therein.

SEC. 6. Whoever engages in or is employed at, or aids or abets cock-fighting, dog-fighting, bear-baiting, pitting one animal against another, of the same or of a different kind, or any similar cruelty to animals, or receives money for the admission of any person to any place used or about to be used for any such purpose, or willfully permits any one to enter upon or use for any such purpose premises of which he is the owner, agent or occupant; or uses, trains or possesses a dog or other animal for the purpose of seizing, detaining or maltreating any domestic animal, shall be fined not more than one hundred (100) dollars, nor less than five (5) dollars, or imprisoned not more than three (3) months, nor less than ten (10) days; and any one who knowingly purchases a ticket of admission to any place mentioned in this section, or is present thereat, or witnesses such spectacle, shall be deemed an aider and abettor.

Powers of
officer or
agent.

SEC. 7. Any officer or agent authorized by law to make arrests may lawfully take possession of any animals or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals. He shall state to the person in charge thereof at the time of such taking, his name and residence, and also the time and place at which the application hereinafter provided for will be made.

Duty of officer
or agent in
cases of
violation of
this act.

SEC. 8. The officer or agent after taking possession of such animals, or implements or other property, pursuant to the preceding section, shall apply to the magistrate or court before whom complaint is made against the offender violating such provisions of law, for the order next hereinafter mentioned, and shall make and file an affidavit with such magistrate or court, stating therein the name of the offender charged in such complaint, the time, place, and description of the animals, implements, or other property so taken, together with the name of the party who claims the same, if known, and that the affiant has reason to believe, and does believe, stating the grounds of such belief, that

the same were used or employed in such violation, and will establish the truth thereof upon the trial of such offender. He shall then deliver such animals, implements or other property to such magistrate or court, who shall thereupon, by order in writing, place the same in the custody of the officer, or other proper person in such order named and designated, to be by him kept until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to the county attorney. The officer or person so named and designated in such order shall immediately thereupon assume such custody, and shall retain the same for the purpose of evidence upon such trial, subject to the order of the court before which such offender may be required to appear, until his final discharge or conviction. Upon the conviction of such offender, the animals, implements or other property shall be adjudged by the court to be forfeited. In the event of acquittal or final discharge without conviction of such offender, such court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

SEC. 9. When complaint is made on oath or affirmation to a magistrate or court authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of law relating to or affecting animals are being or are about to be violated in any particular building or place, such magistrate or court shall issue and deliver immediately a warrant directed to any sheriff, constable, police officer or agent of such association aforesaid, authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any such law, and to bring such person before some court or magistrate of competent jurisdiction within the city, village or county, within which such offense has been committed, to be dealt with according to law; and such attempt shall be held to be a violation of such law, and shall subject the person charged therewith, if found guilty, to the penalties provided therein.

Duty of magistrate or court when complaint is made.

SEC. 10. When a sheriff, constable, marshal, police officer, or any agent for any duly incorporated society for the prevention of cruelty to animals has reason to believe that any person within his jurisdiction is about to violate the provisions of section six (6), hereof, he shall forthwith arrest such person, and take him before a court or magistrate named in section nine (9) hereof; upon the proper affidavit being filed, such magistrate or court shall hear the witnesses produced, on oath, and if the complaint be found true, shall order the accused to enter into a recognizance, with sufficient sureties, to be approved by the magistrate or court before whom such person is brought, in a sum not less than one hundred (100) dollars nor more than five hundred (500) dollars, that he will not violate the pro-

Duty of sheriff, constable, etc. in certain cases.

visions of said section six (6) hereof within one (1) year thereafter, within this state, and in default of such recognition the officer shall commit the accused to jail, there to remain until such order is complied with, or he is otherwise discharged by due course of law, or until he shall make and subscribe an oath, in the presence of two witnesses, that he will not violate the provisions of said section six (6) hereof, nor aid or abet in so doing within said year.

Upon conviction of said person for a subsequent violation of the provisions of said section within said year, he shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars or imprisoned not less than thirty (30) days, nor more than ninety (90) days, in the discretion of the court.

SEC. 11. Every such recognizance and every recognizance taken under section ten (10) hereof, shall be, by such judge or magistrate, certified to the district court of the county, where the same shall be recorded, and the prosecuting attorney, when he has reason to believe that the condition of the same has been broken, shall immediately bring suit thereon, in any county, and collect the amount due thereon.

SEC. 12. An officer, agent or member of any society for the prevention of cruelty to animals or children may interfere to prevent the perpetration of any act of cruelty in his presence, and may use such force as may be necessary to prevent the same, and to that end summon to his aid any bystanders.

Any person who shall interfere with or obstruct any such officer or agent in the discharge of his duty is punishable by imprisonment not exceeding three (3) months or fine of not more than one hundred (\$100) dollars. Any of said societies may, by its agent or attorney, prefer a complaint before any court, tribunal or magistrate having jurisdiction for the violation of any law relating to cruelty to animals or children, and may, by its agent or attorney, aid in presenting the law and facts before such court, tribunal, or magistrate in any proceedings taken.

SEC. 13. Whenever it may be necessary, in order to protect any animal from neglect, any person may take possession of the same; and whenever an animal is impounded, yarded or confined, and continues without necessary food, water or proper attention for more than fifteen (15) successive hours, any person may, from time to time, and as often as it may be necessary, enter into and upon any place in which such animal is so impounded, yarded or confined, and supply it with necessary food, water and attention so long as it remains there, or may, if necessary or convenient, remove such animal, and shall not be liable to any action for such entry; in all cases the owner, or custodian, of such animal, if known, shall be immediately notified of

Officers of society for prevention of cruelty may interfere.

Animals may be protected from neglect, how.

such action by the person taking possession of such animal; if the owner or custodian be unknown, and cannot be ascertained with reasonable effort, such animal shall be held to be an estray, and shall be dealt with as such; the necessary expense for food and attention given to any animal under the provisions of this section may be collected of the owner of the animal, and the animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

SEC. 14. Whoever, being the owner, or having the charge of any animal, knowing the same to have any infectious or contagious disease, or to have been recently exposed thereto, sells or barbers the same, or knowingly permits such animal to run at large, or knowingly permits such animal to be diseased as aforesaid, knowingly permits the same to come into contact with any other animal, or another person, without his knowledge and permission, shall be fined not more than one hundred (100) nor less than twenty (20) dollars, or imprisoned not more than thirty (30) days.

Infectious disease of animals, penalty for sale of such animal.

SEC. 15. A person guilty of cruelty to an animal, the property of another, shall be liable to the owner thereof in damages, in addition to the penalties prescribed by law.

SEC. 16. The several municipal and police courts and justices of the peace in this state shall have full concurrent jurisdiction with the district courts of all offenses under this act.

Jurisdiction of courts.

SEC. 17. All fines and forfeitures imposed or collected for violations of, or under the provisions of this act, shall be paid to the association or associations for the prevention of cruelty to animals or children organized in the county, city, town or village, where such violation occurred.

Fines and forfeitures, disposition of.

SEC. 18. The word "animal," as used in this title, does not include the human race, but includes every other living creature. The word "torture," or "cruelty," includes every act, omission or neglect whereby unnecessary or unjustifiable pain, suffering or death is caused or permitted.

The words "animal," "cruelty," etc., defined.

The words "impure and unwholesome milk" includes all milk obtained from animals in a diseased or unhealthy condition, or fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation.

SEC. 19. All acts, and parts of acts, inconsistent herewith are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 24, 1889.