

CHAPTER 233.

S. F. No. 322.

An act to prevent the spread of contagious and infectious diseases among domestic animals in this state.

Diseases among domestic animals.

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

SECTION 1. Authority is hereby given to the state board of health and to the several local boards of health of the towns, villages and cities of this state, to take all steps they may severally deem necessary to control, suppress, and eradicate any and all contagious and infectious diseases among any of the domestic animals in this state, and to that end, said boards are hereby severally empowered, within their respective jurisdictions, to quarantine any domestic animal which is infected with any such disease or which has been exposed to infection therefrom; to kill any animal so infected, and whenever deemed necessary by the state board of health, to kill any animal which has been exposed to the infection of any such disease; to regulate or prohibit the arrival in or departure from this state, and the towns, villages and cities thereof, of any such exposed or infected animal, and at the cost of the owner thereof, to detain any domestic animal found in violation of any such regulation or prohibition; to adopt all such rules and regulations as may be by such several boards deemed necessary or expedient to enforce the authority hereby given; and said state board of health is hereby expressly given authority to regulate or prohibit the shipment into this state of any domestic animal which, in the judgment of said board, may endanger the public health.

Authority of state and local boards of health.

SEC. 2. Any person who knows of, or has reason to suspect, the existence of any contagious or infectious disease in any domestic animal, shall forthwith give notice thereof to the local board of health of the town, village or city where such animal is kept. Within twenty-four (24) hours after any local board of health shall receive notice that any domestic animal is infected with any such disease, or has been exposed thereto, it shall give notice thereof in writing to the state board of health.

Notice of contagious or infectious disease.

SEC. 3. All rules and regulations adopted by any board of health under the authority of this act shall be entered upon the minutes of said board and shall be published in the manner therein provided. All regulations now in force adopted by any board of health within this state, under authority of any law existing prior to the passage hereof relating to the matters covered

Rules and regulations of boards of health.

by this act, and not in conflict with this law, are continued in force, and are hereby declared to be the rules and regulations of such several boards under this act, until such times as others are adopted.

SEC. 4. No animal shall be killed by any of the boards herein mentioned until it shall first have been adjudged to be infected with a contagious or infectious disease, either by a duly authorized agent of the state board of health, or by a physician or veterinary surgeon selected by a local board of health; except, that whenever, in the judgment of the state board of health, the control or eradication of a disease renders it advisable to do so, such board may order killed and buried, or otherwise destroyed, any domestic animal which has been exposed to a contagious or infectious disease, although at the time not infected therewith.

Provided, however, that cattle in this state shall not be adjudged infected with the disease of tuberculosis or condemned as being so infected except and until such animal has been subjected to at least two separate tuberculine tests to ascertain the presence of such disease, and the time of making such separate tests shall not be nearer together than two months and not farther apart than three months. In all cases to ascertain the presence of such disease the tests aforesaid shall be made by a duly licensed veterinary surgeon under authority of said board of health. And no milk or other products from such animals shall be sold or offered for sale.

SEC. 5. Whenever a domestic animal has been adjudged (adjudged) to be infected with a contagious or infectious disease, and has been ordered killed by the state board of health, or by a local board of health, the owner, or keeper of such animal, shall be notified thereof, and within twenty-four hours (24) thereafter he may file a protest with the board of health which has ordered such animal killed against the killing thereof, and shall therein state, under oath, that to the best of his belief such animal is not infected with any contagious or infectious disease; whereupon, said animal being killed notwithstanding such protest, a post mortem examination thereof shall be made by experts, appointed, one by the board of health, one by the owner and one by the two already appointed, and if upon such examination said animal shall be found to have been entirely free from contagious or infectious disease, there shall be appointed three competent and disinterested men, one by the board of health, one by the owner of the animal killed, and the third by the two already appointed, to appraise it at its cash value immediately before it was killed, and the amount of such appraisal shall be paid to the owner

Killing of animals.

Tuberculine tests.

Protest of owner of condemned animals.

Post-mortem examinations.

Payment of damage.

of such animal, one-fifth part thereof by the town, village or city where the animal was kept and four-fifths thereof by the state. All appraisements made under this act shall be in writing and signed by the appraisers and certified to by the local board of health and the state board of health, respectively, to the governor of the state and to the treasurer of the several towns, villages and cities wherein the animals appraised were kept. Whenever any such animal which has not been adjudged to be infected is killed by order of said board, but not by the owner or keeper thereof, a post-mortem examination thereof shall be made by experts appointed as aforesaid, and if found to have been entirely free from any infectious disease, the value of such animal shall be determined and paid for as herein before specified. Except, as in this section expressly provided, no compensation shall be paid for any animal killed by virtue of any authority given by this act.

SEC. 6. The expense of the killing and burial, or destruction, of any diseased animal ordered killed by either of the boards aforesaid shall be borne by the town, village or city where such animal was kept. The expense of the quarantine of any infected animal, or of any animal that has been exposed to infection, shall be paid when taken from the possession of its owner, or keeper, shall be borne, one-fifth by the town, village or city where the animal was kept, and four-fifths by the state. When any animal is quarantined upon the premises of its owner or keeper, the expense thereof shall be borne by such owner or keeper. Whenever any animal is quarantined when being shipped into the state, the expense thereof shall be borne by its owner or keeper. Whenever the owner or keeper of any domestic animal is liable for any expenses incurred, under this act, by any board of health in connection therewith, such board may have a lien on such animal for such expense, and may also maintain an action against such owner or keeper therefor.

Expense of killing and burial, or of quarantine.

SEC. 7. It is hereby made the duty of the several local boards of health in this state to carry out and enforce all orders and directions of the state board of health to them directed, and the state board of health may require any two or more local boards to act together for the purpose of enforcing any of the provisions of this act.

Whenever the rules and regulations of the state board of health made under authority of this act conflict with the rules and regulations made hereunder by any local board of health, those made by the state board shall supercede those made by the local board.

Local boards to enforce orders of state boards.

Judicial powers of board.

SEC. 8. The state board of health, or any duly authorized agent thereof, may examine or cause to be examined under oath, all persons believed to possess knowledge of material facts concerning the existence or dissemination, or danger of dissemination, of disease among domestic animals; and, for this purpose, shall have all the powers vested in justices of the peace to take depositions and to compel witnesses to attend and testify.

Penalties for violations of act.

SEC. 9. Any person violating any provisions of this act or any rule or regulation made by the state board of health, or by any local board of health, or any order made by any such board under the authority hereof, shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five or more than one hundred (100) dollars, or by imprisonment for not less than thirty (30) or more than ninety (90) days. Any member of any local board of health who shall neglect or refuse to carry into effect the provisions of this act, or who shall neglect or refuse to carry out any direction of the state board of health, or who shall neglect or refuse to enforce any rule or regulation made by the state board of health, or by any local board of health, under the authority hereof, shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five (25) and not more than one hundred (100) dollars; and each and every day's neglect or refusal to perform any duty imposed upon him by this act shall constitute a separate and independent misdemeanor. Complaints for violating the provisions of this act, or for violating any rule or regulation made by any board of health under its authority, may be made by any member or authorized agent of any such board, or by any citizen of this state.

SEC. 10. Whenever during the prevalence in the state of any contagious or infectious disease among domestic animals, the owner shall post on his premises a notice forbidding all persons to enter any building or enclosure on said premises without permission from said owner, it shall be a misdemeanor to enter upon said premises, punishable by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars, or by imprisonment for not less than thirty (30) or more than ninety (90) days.

SEC. 11. Whenever during the prevalence in the state of any contagious or infectious disease among domestic animals the owner shall post on his premises a notice forbidding all persons not authorized by state or local boards of health to enter any building or enclosure on said premises without permission from said owner, it

shall be a misdemeanor to enter upon said premises, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or by imprisonment for not less than thirty (30) nor more than ninety (90) days.

SEC. 12. The sum of six thousand (6,000) dollars, or so much thereof as necessary, is hereby annually appropriated for the payment of the expenses that may be incurred by the state in enforcing this act, such expenses to be approved by the state board of health and by the governor.

Appropriation of \$6,000

SEC. 13. Chapter two hundred (200) of the general laws of the state of Minnesota for eighteen hundred and eighty-five (1885), as well as all other acts and parts of acts inconsistent with this act, are hereby repealed, except as to any actions now pending, growing out of the enforcement of the same.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

CHAPTER 234.

S. F. No. 496.

An act to amend section thirty-three (33), chapter one hundred and forty-five (145), of the general laws of one thousand eight hundred and eighty-five (1885), relating to highways and bridges within villages.

Highways and bridges within villages.

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

SECTION 1. That section thirty-three (33), of chapter one hundred and forty-five (145) of the general laws of the state of Minnesota for the year one thousand eight hundred and eighty-five (1885), is hereby amended so that the same shall read as follows:

Amendment.

Sec. 33. No part of the streets or highways of any village shall be in any road district established by the town board, nor be under the control of town officers, nor shall the town be liable for any damages occasioned by the insufficiency or want of repair thereof; and all bridges in said village shall be built, maintained and repaired by the village in which the same are situated.

Streets of villages exclusive of town control or liability.

Provided, however, that the boards of county commissioners and the boards of township supervisors of the respective counties and towns within which any village is situated may take (make) such appropriations