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MARK B. DUNNELL

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CHAPTER 30

LIVE STOCK SANITATION

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2155. Sanitary board—The state live stock sanitary board, hereinafter called the board, or the state board, shall consist of five members, appointed by the governor, each for the term of five years and until his successor qualifies. Three shall be persons financially interested in the breeding of live stock in the state; and the other two practicing veterinarians and graduates of a regularly organized and recognized veterinary college. Appointments to fill unexpired terms shall be made from the classes to which the retiring members belonged. The board shall elect a president and a vice-president from among their number; also a veterinarian and graduate of a regularly organized and recognized veterinary college, not a member, to be its secretary and executive officer for a term of one year and until his successor qualifies. It may also employ, and dismiss at pleasure, an attorney and such other assistants as may be necessary in the performance of its duties. The compensation of the secretary and of the several employees shall be fixed, and their duties prescribed, by the board. No member of the board shall receive any compensation for services as such, or as an employee thereof, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. ('03 c. 352 ss. 1-4)

2156. Duties—Rules—Meetings—Annual report—The board shall protect the health of the domestic animals of the state, and carry out the provisions of this chapter; employing such means and making such rules and regulations as it may deem expedient to that end. It shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July, and October. Officers shall be elected at the April meeting. The board shall report its proceedings and recommendations to the governor annually, which report shall be published by the state. ('03 c. 352 ss. 5, 6, 23)

2157. Duty of local boards of health—All local boards of health shall assist the live stock board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals whenever directed so to do by the secretary or any member thereof. Two or more local boards may be required in emergencies to co-operate in rendering such assistance. When the rules of any local board conflict with those of the state board, the latter shall prevail. ('03 c. 352 ss. 7, 18, 19)

2158. Authority of boards, etc.—The board, and also the local boards within their respective jurisdictions, may quarantine or kill any domestic animal infected with, or which has been exposed to, any such disease; but, before killing an animal solely on the ground that it has been exposed, a local board shall procure the authority of the state board. Said boards may regulate or prohibit the arrival in and departure from the state of animals so infected or exposed, and, in case of violation of any such regulation or prohibition, may detain any animal at its owner's cost. The state board may regulate or prohibit the bringing of domestic animals into the state, which, in its opinion, for any reason, may injure the health of live stock therein. All rules and regulations adopted by the board or by any local board under authority of this act shall be recorded in its minutes, and one week's published notice thereof shall be given. ('03 c. 352 ss. 9, 11)

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2159. Reporting disease—Compelling testimony—Every person who knows or has reason to suspect that a contagious or infectious disease exists in any domestic animal shall immediately notify the local board of health. Within twenty-four hours after such board shall receive notice or have knowledge that any such animal is infected with, or has been exposed to, such disease, it shall give written notice thereof to the state board. Said board, or any member or authorized agent thereof, may examine under oath all persons believed to have knowledge of the existence or threatening of disease among

domestic animals, and for this purpose may take depositions and compel witnesses to attend and testify. ('03 c. 352 ss. 10, 20)

2160. Killing—Owner to be notified—Autopsy—Appraisal—Whenever any board shall decide upon the killing of an animal, it shall notify the owner of such decision. Within twenty-four hours after notice, the owner or his agent may file with such board a protest; stating therein, under oath, that, to the best of his knowledge and belief, the animal is not infected with any contagious or infectious dangerous disease. Thereupon, if the animal be killed, an autopsy shall be held by three experts—one appointed by the state board, one by the owner, and the third by the first two. If the autopsy show that the animal was entirely free from any such disease, the cash value thereof immediately before the killing shall forthwith be appraised by such experts, and the amount thereof shall be paid to the owner by the state. The experts shall report forthwith, in writing, and the report shall be filed with the secretary of the state board. If an animal be killed by order of the state board for the sole reason that it has been exposed to contagion or infection, the foregoing provisions as to autopsy, appraisal, and payment shall apply, and no protest need be filed. ('03 c. 352 ss. 13, 16)

See 1905 c. 115

2161. Tuberculous and glandered animals to be paid for—Notwithstanding any provision of this chapter to the contrary, neither tuberculous cattle nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the state board, and are pronounced by him to be so diseased. And whenever any animal is killed because it is afflicted with either of said diseases, its cash value immediately before the killing, and the cash value of the carcass, if any, shall be fixed, within twenty-four hours thereafter, by appraisers chosen in the manner prescribed in § 2160. The value of the carcass shall be deducted from that of the living animal, and three-fourths of the remainder shall be paid to the owner by the state: Provided, that in no case shall the appraised value of a glandered horse exceed seventy-five dollars, nor that of a tuberculous cow thirty-five dollars, nor shall any such animal be so appraised or paid for unless it be at least one year old, and have been, in good faith, owned and kept within the state for one year next before the killing. ('97 c. 233; '01 c. 322; '03 c. 141)

2162. Expenses of appraisal—The expense of autopsies and appraisals shall be defrayed by the state, except that, in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by him. The compensation of experts and appraisers shall be fixed by the state board, which board shall approve, before payment, all claims made under this chapter. No employee of the board shall receive any fee for acting as an expert or appraiser. ('03 c. 352 ss. 14, 15; '03 c. 141 s. 2)

2163. Expenses of killing, etc.—Lien—The expense of killing and burial or destruction of a diseased animal, when the killing was ordered by any board, shall be borne by the town or incorporated place where the animal was kept. The expense of quarantine, when the animal is taken from the possession of its owner, shall be defrayed, four-fifths by the state, and one-fifth by the town or place. When such quarantined animal is left upon the premises of its owner or keeper, he shall bear the expense. When an animal is quarantined while being shipped into the state, the expense shall be borne by the owner or keeper. Whenever the owner or keeper of any animal becomes liable for any expense incurred by any board under this act, the board shall have a lien on such animal therefor, and may also maintain an action for the amount. ('03 c. 352 s. 17)

2164. Notice by owner—Penalty—During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of such animals may post upon the premises a notice forbidding all persons to enter any building or inclosure thereon in which animals are kept; and thereafter no person shall so enter, except a member or agent of the state board or of a local board of health. Every person violating the provisions of this section shall be guilty of a misdemeanor. ('03 c. 352 s. 22)

2165. Offences and penalties—Every person violating any provision of this chapter, or any rule or regulation made hereunder by the state board or any local board of health, or any order made by either under the authority of this chapter, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars, or imprisonment for thirty days. Any member of a local board who shall neglect or refuse to perform any duty imposed upon him by the provisions of this chapter or by the directions of the state board, or neglect or refuse to enforce the rules and regulations of said state board or the rules and regulations of a local board made hereunder, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars; and each day's neglect or refusal to perform any duty imposed upon him under this chapter shall constitute a separate and distinct offence. ('03 c. 352 s. 21)

2166. Standing appropriation—The sum of nineteen thousand dollars is hereby annually appropriated for the purpose of carrying out the provisions of this chapter, and from the money so appropriated all the expense incurred hereunder by the state shall be paid. ('03 c. 352 s. 25)

2167. Live stock detectives—Commissions from other states—Any person duly commissioned by the governor of another state to act as a live stock detective may exercise his powers as such in this state, consistently with the laws thereof, upon paying a fee of five dollars and filing with the secretary of state:

1. His commission, or a certified copy thereof.
2. A bond to the state in the penal sum of two thousand dollars, approved by the secretary, and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property within the state, or other unlawful act done therein by him or by any of his deputies.
3. A stipulation that service upon such secretary of any summons, order, notice, or process in a civil action upon such bond shall be a sufficient service upon him or his deputies.

Thereupon the secretary of state shall issue certificates to him, and to not exceeding three deputies appointed by him, and for whose acts he shall be responsible, authorizing the holder to perform the duties herein referred to while such commission is in force. And each may seize and hold any animal which he may know or have reason to believe has strayed or been stolen from the state whence said commission issued. (7952-7955)

CHAPTER 31

INSPECTION OF STEAM VESSELS AND BOILERS

2168. Inspectors—Appointment—In the month of January in every odd-numbered year the governor shall appoint a board of inspectors, consisting of one resident of each senatorial district, except that where there is more than one senatorial district in any county there shall be but one inspector in such county. Such inspectors shall inspect all steam boilers in use in the state, not subject to inspection under the laws of the United States and not hereinafter excepted, and examine and grant certificates of license to steam engineers intrusted with the management of steam boilers, except those in heating plants in private residences. They shall examine and license all masters and pilots on inland waters of the state, as nearly as may be according to the regulations provided by the laws of the United States. Each shall hold office for the term of two years, commencing February 1, unless sooner removed by the governor. Annually on or before January 31 each shall render a report to the secretary of state, containing a detailed statement of the number of inspections made and licenses issued, the amount of fees received therefor, and the amount of disbursements of their offices. The secretary of state shall include in his biennial report a summary of such report. (480; '03 c. 131 s. 1)