

GENERAL STATUTES

OF

MINNESOTA

1913

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COMPILED AND EDITED BY
FRANCIS B. TIFFANY

ST. PAUL
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4686. **Same—Permitting unmuzzled dogs to be at large—Penalty—**It shall be unlawful for the owner or custodian of any dog to suffer or permit it to be at large either on the premises of the owner or elsewhere, within any city, village or town wherein and as to which any such proclamation shall have been made, during the time such proclamation is in force, unless such dog shall be effectively muzzled so that it cannot bite any other animal or any person.

It shall be lawful for any person to kill any dog running at large on the public streets or roads in violation of the provisions of this act, and the owner or owners of any dog so killed shall have no claim against the person so killing any such dog.

Any person violating the provisions of this act shall be guilty of a misdemeanor. It shall be the duty of all peace officers and all health officers to make complaint of any known violation of this act. ('13 c. 541 § 3)

SUBJECTS FOR DISSECTION

4687. **Delivery of bodies to medical schools—**Except as otherwise provided in § 4688, the bodies of all persons dying within the state, and not claimed for burial within thirty-six hours after death, shall be delivered, by the person in charge thereof, for purposes of anatomical study. The deans of the medical colleges of the state shall appoint a committee to receive such bodies, which committee shall apportion the same to the several colleges according to the numbers of their students. Any body so received shall be surrendered on demand of a relative entitled to its possession. The remains of any such body, after it has answered the purposes aforesaid, shall be decently buried in a public cemetery, and the expense of transporting and burying such body shall be borne by the college receiving the same. (2152)

4688. **What bodies excepted—**No body shall be so delivered:

1. After it has been regularly interred;
 2. After it has been claimed for burial or cremation by any person entitled to receive it for such purpose;
 3. Without the consent of all known relatives of the person deceased;
 4. If such person, in his last sickness, requested that his remains be buried;
 5. If he died while detained as a witness, or under suspicion of crime; or
 6. If by any provision of law another disposition thereof be required.
- (2153)

4689. **Penalties—**Every official or other person in possession or control of any such body shall forthwith notify the committee and deliver the same according to its request. If he fail to do either within a reasonable time, he shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars. Every person who shall use any such body for a purpose other than that contemplated herein, or who shall remove it from the state, or in any manner traffic therein, or refuse to deliver the same upon proper demand, shall be guilty of a gross misdemeanor. (2154)

CHAPTER 30

LIVE STOCK SANITATION

4690. **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. One shall be a person selected and recommended by the Minnesota Live Stock Breeders' Association. Two 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. (R. L. § 2155, amended '13 c. 160 § 1)

4691. 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. (2156)

See § 4684.

4692. 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. (2157)

4693. 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. (2158)

Obligation of carrier bringing into state an animal afflicted with disease (109-64, 122+876, 26 L. R. A. [N. S.] 278).

4694. 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. (2159)

4695. 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. (2160)

See following section.

4696. Killing—Owner to be notified—Appraisal—Protest—Autopsy, etc.—Whenever the state live stock sanitary board shall decide upon the killing of an animal affected with the disease tuberculosis or glanders, it shall notify the owner or keeper of such decision, when the judgment of the state live stock sanitary board, such animal may be ordered transported for immediate slaughter by the said board, through its executive officer to any abattoir within the state where the United States bureau of animal industry maintains inspection, and said live stock sanitary board shall pay the expense, said transportation and yardage.

Before being removed from the premises of owner, there shall be appointed three (3) competent disinterested men, one appointed by the state, one by the owner, and a third by the first two, to appraise such animal at its cash value.

Such appraisal shall in no case exceed sixty (\$60) dollars for a cow and one hundred and twenty-five dollars (\$125) for a horse, except in the case of pure bred cattle and horses, where the pedigree shall be proved by certificates of register from the herd books where registered, and in that case the maximum appraisal shall not exceed one hundred and fifty dollars (\$150).

If upon slaughter such animal is found by the inspector in charge of such abattoir, or veterinarian of the state live stock sanitary board, to be free from any contagious or infectious disease, then the full amount of such appraisal, less the value of the carcass, shall be paid to the owner of such animal from the funds hereby appropriated for the purpose of carrying out this act.

But if upon postmortem examination such animal shall be found to be afflicted with tuberculosis or glanders, then and in that case the value of the carcass shall be deducted from the appraised value of the living animal; three-fourths ($\frac{3}{4}$) of the remainder shall be paid to the owner by the state, provided the animal has been kept for one year or since its birth in good faith in the state prior to the killing thereof.

The owner or keeper may file with the board which has ordered the killing, within forty-eight (48) hours after being notified, a protest stating therein under oath that to the best of his knowledge and belief the animal is not infected with tuberculosis or glanders; blank protest shall be furnished by the board which has ordered such killing.

Thereupon, if the animal be killed, an autopsy shall be held by three (3) experts, who shall be graduate veterinarians of a recognized college, one appointed by the state board, one by the owner, to be paid by the owner, and the third by the first two, to be paid by the state, who shall appraise such animal before it is killed at its cash value, and the autopsy shall then be held upon such animals by the above mentioned veterinarians.

If the autopsy shows that the animal is entirely free from any such disease, the full cash value thereof immediately before the killing shall be paid to the owner by the state, less the value of the carcass, but if found to be diseased, the owner shall be paid three-fourths value, as hereinbefore provided.

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the local board of health and the state live stock sanitary board, respectively, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount thereof.

When cattle have been bought in good faith for slaughtering purposes by butchers who are retail dealers, and the carcasses thereafter found to be infected with tuberculosis, it shall be the duty of the local board of health to appoint three (3) disinterested persons to appraise the value of said carcass, and the owner of said carcass shall be entitled to receive from the state two-thirds ($\frac{2}{3}$) of the amount of such appraisement, and the hide shall also be

returned to him; provided, however, that this provision shall not apply to a slaughtering or packing house that has a state or United States government inspection system. ('03 c. 352 § 13, amended '05 c. 115; '09 c. 401; '13 c. 148 § 1)

1903 c. 352 was repealed by § 9456; the provisions of section 13 thereof being incorporated in the preceding section. See, also, the three following sections.

4697. 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 § 4695. 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. (2161)

See § 4696.

4698. 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. (2162)

See § 4696.

4699. 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. (2163)

See § 4696.

4700. 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. (2164)

4701. 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. (2165)

R. L. § 2166 made an annual appropriation to carry out the provisions of the chapter. See §§ 48, 49.

4702. 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. (2167)

4703. Inspection of imported live stock—Transportation companies—Certificate of health—That it shall be unlawful for any transportation company to bring into the state of Minnesota any horses, mules, asses, cattle, sheep or swine, for work, feeding, breeding or dairy purposes, unless such animals have been examined and found free from the following contagious diseases, to-wit: Glanders, farcy, tuberculosis, scabbies, maladie du coit, or any other contagious or infectious disease, which freedom from disease shall be established by a certificate of health signed by a state veterinarian or assistant state veterinarian of the state from which such shipment is made, or a veterinarian of the United States bureau of animal industry, or by a veterinarian acting under the order or direction of the live stock sanitary board of this state. The certificate of health and permit given by the above mentioned veterinarians shall be given in duplicate, the original of which shall be forwarded to the live stock sanitary board of Minnesota, and the duplicate given to the railroad or transportation company to be attached to the bill of lading for said animals; provided, that in the case of cattle over six months of age, to be used for breeding or dairy purposes, the non-existence of tuberculosis shall have been determined by the tuberculin test within thirty days preceding such importation, and certified by the veterinarian issuing the above mentioned certificate of health and permit. The tuberculin test shall not be demanded for cattle intended for exhibition at town, county, district or state fairs. ('07 c. 355 § 1)

1907 c. 355 does not violate Const. U. S. art. 1 § 8 (109-64, 122+876, 26 L. R. A. [N. S.] 278).

4704. Same—Duty of transportation companies—That in any case where the inspection certificate as required in the preceding section has not been obtained, transportation companies shall notify the live stock sanitary board and shall hold such animals at the first station within Minnesota where are suitable facilities for holding animals for inspection by the live stock sanitary board, such inspection to be made at expense of the owner. ('07 c. 355 § 2)

4705. Same—Penalty for violation—Action for damages—Any transportation company, corporation or agent thereof, violating any of the provisions of this act, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be fined for each offense not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned for not more than one year. Such transportation company, corporation or agent shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of this act. Action may be brought in any county

in the state in which said cattle are sold, offered for sale or delivered to purchaser, or anywhere they may be detained in transit. ('07 c. 355 § 3)

4706. Same—Certain animals excepted—The provisions of this act shall not apply to cattle, hogs and sheep shipped to points within the state where the United States bureau of animal industry maintains inspection. ('07 c. 355 § 4)

4707. Tuberculin and mallein—Discrimination in distribution prohibited—That the live stock sanitary board of this state and all its officers are prohibited from making any distinction whatever in the furnishing and distribution of tuberculin and mallein among the licensed veterinarians of this state for use in making tests of cattle and horses. Said board shall furnish and distribute tuberculin and mallein to veterinarians in this state for such tests without regard to whether such veterinarians are graduates of a veterinary college or not. ('09 c. 445 § 1)

4708. Same—Applications—Record, etc.—Said board shall keep a record of all applications by licensed veterinarians for tuberculin and mallein showing the name of applicant and date of receipt of application and amount desired, and shall furnish the same in the order of such applications without regard to whether the applicant is a graduate veterinarian or not. In case said board shall not have sufficient of such tuberculin or mallein to furnish all applicants for such, said board shall furnish the same pro rata among such applicants. ('09 c. 445 § 2)

4709. Same—Penalty for violation—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('09 c. 445 § 3)

4710. Tuberculin and mallein—Sale—Report to board—Each and every druggist or vendor in drugs, wholesale or retail, or other person, who shall hereafter, in the state of Minnesota, sell, furnish or supply to any person any mallein or tuberculin shall on the same day of selling, furnishing or supplying the same, report to the live stock sanitary board, giving name or names of person or persons to whom he shall sell, furnish or supply such mallein or tuberculin, the amount sold, furnished or supplied and the name and place of residence, or business of each and every person for whom such mallein or tuberculin shall be purchased, sold, furnished or supplied. ('09 c. 272 § 1)

4711. Same—Penalty for violation—Every person or firm violating this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars, or imprisonment for thirty days. ('09 c. 272 § 2)

4712. Tuberculin and mallein, how used—Any person using or injecting tuberculin into bovine animals, or mallein into horses, which tuberculin or mallein has been obtained from the live stock sanitary board or city boards of health, for the purpose of determining whether or not such animals are afflicted with the disease known as tuberculosis in cattle or glanders in horses, shall take or supervise the taking of the temperatures of such animals before and after such injections according to the regulations prescribed by the live stock sanitary board. ('11 c. 79 § 1)

4713. Same—Temperatures of animals, how reported—All temperatures shall be plainly written by the veterinarian or assistant on the blank for reporting tuberculin test, or blank for reporting mallein test, furnished by the live stock sanitary board, or by the board of health of any city, town or village requiring the tuberculin test of dairy cattle or mallein test of horses, and shall show the name of the owner and his address; name, age and full description of the animal and the time each temperature was taken, together with the correct statement of animal's temperature at each reading, which record of tuberculin or mallein test shall be sent to the board furnishing tuberculin or mallein. ('11 c. 79 § 2)

4714. Same—Violation a misdemeanor—Any veterinarian or person failing to comply with the preceding sections, or in any way falsifying such record of tuberculin or mallein test, or failing to insert on such record the true temperature or placing thereon incorrect temperature readings, shall be

guilty of a misdemeanor, and in addition suffer revocation of license to practice. ('11 c. 79 § 3)

4715. Hog cholera and other virus—Sale, etc., without permission prohibited—It shall be unlawful for any person, firm or corporation to sell, give away or distribute to any person, firm or corporation any hog cholera virus or other active virus containing the infective agents of any contagious or infectious disease of domestic animals, unless permission is granted by the live stock sanitary board. ('13 c. 30 § 1)

4716. Same—Violation a misdemeanor—Every person or firm violating this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five (25) dollars, or imprisonment for thirty (30) days. ('13 c. 30 § 2)

4717. State hog cholera serum plant—Hog cholera serum plant, now existing and in use at the college of agriculture of the state university, is hereby designated and declared to be the hog cholera serum plant of the state of Minnesota. The purpose of said institution shall be for the production, manufacture, and distribution of hog cholera serum, and for investigating the cause and means of preventing hog cholera. ('13 c. 313 § 1)

4718. Same—Serum, how distributed—Said hog cholera serum shall be distributed and furnished at one-third ($\frac{1}{3}$) of one cent per cubic centimeter with the charges of transportation to any hog owner who is a resident of this state and who applies therefor by or through any veterinarian or through the state live stock sanitary board, on forms or in accordance with regulations prescribed by said board and the college of agriculture. ('13 c. 313 § 2)

4719. Same—Purchase in open market—Testing, etc.—In case the state hog cholera serum plant cannot supply the demand for serum, the said plant may purchase hog cholera serum in the open market, from reliable producers. But such purchased serum shall only be offered for distribution as provided for in this act, when it has been tested by said state hog cholera serum plant and found to be as potent and otherwise valuable as the serum manufactured by said plant. In case of over-production of serum by said hog cholera serum plant, such excess beyond a reserve of two hundred thousand (200,000) cubic centimeters may be sold at not less than the cost of production, to hog cholera owners in adjoining states. ('13 c. 313 § 3)

4720. Same—Administration, how authorized—Said serum shall be administered only by an authorized person and such authorization shall be by the state live stock sanitary board. Said board is hereby empowered to authorize persons and prescribe regulations for administering the hog cholera serum provided for in this act. ('13 c. 313 § 4)

4721. Sale of pure bred cattle—Certificate of health—All persons selling pure bred cattle or cattle represented to be pure blooded, for breeding purposes, shall, before delivery, make a report to the state live stock sanitary board on blanks furnished by the board on application, stating the number of cattle sold, their age and sex and to whom sold, and before delivery thereof such cattle shall be tested with tuberculin and a certificate of health be given by said live stock sanitary board or some person duly authorized by the board, to the seller and purchaser. Provided, that no such certificate shall be required in case the cattle so sold shall have been tested within one year under the direction of the live stock sanitary board and the laws of this state, and a certificate of health granted by said board within that time; provided, further, that no certificate shall be required for animals under one year of age. ('09 c. 392 § 1)

4722. Same—Penalty for violation—Any person who shall sell or dispose of any pure bred cow or bull for breeding purposes without furnishing a certificate as stated in section 1 [4721] of this act, shall be guilty of a misdemeanor. ('09 c. 392 § 2)