

CHAPTER 39

AGRICULTURE; STALLIONS AND JACKS

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39.01 HORSES USED FOR BREEDING PURPOSES TO BE REGISTERED.

No person, firm, or company shall use or offer for public service in this state any stallion or jack unless and until the owner of the stallion or jack shall have caused the name, description, and pedigree of the stallion or jack to be enrolled by the stallion registration board, hereinafter provided for, and shall have secured a license certificate, as herinafter provided for. The term "public service," for the purposes of this chapter, applies to and includes the mating of any stallion or jack, by any person, to mares other than his own. All enrollment and verification of pedigrees shall be done in the division of animal husbandry of the department of agriculture, University of Minnesota.

[1921 c. 293 s. 1] (5855)

39.02 STALLION REGISTRATION BOARD; MEETINGS; DUTIES.

In order to carry out the provisions of this chapter, there shall be constituted a stallion registration board, which shall hereinafter be referred to as the board, whose duty it shall be to enroll, verify, and pass upon pedigrees; to pass upon certificates of examination; to issue stallion and jack license certificates; and to perform such other duties and incur such expenses as may be necessary to carry out and enforce the provisions of this chapter. The board shall hold meetings the first Tuesday and subsequent days of February, May, August, and November, each year, and such other meetings as may be necessary. The board shall be composed, ex officio, of the president of the Minnesota Horse Breeders' association, the veterinarian of the Minnesota experiment station, and the professor of animal husbandry of the department of agriculture, University of Minnesota. The board shall have power to employ an executive officer to perform the active work and urgent duties provided for by this chapter.

[1921 c. 293 s. 2] (5856)

39.03 LICENSES; RECOGNIZED REGISTRY ASSOCIATIONS.

In order to secure a license certificate, herein provided for, the owner of the stallion or jack shall present to the board an application for license, together with the original stud-book registry certificate of the stallion or jack which is properly issued by a recognized registry association, and other papers relating to the breeding and ownership of the stallion or jack, and the fees hereinafter provided for. In the event the certificate of registry presented shall in any manner be irregular or fraudulent, the board shall have the power to refuse to issue a license based upon the certificate, or to revoke any license which may have been issued by reason thereof. The following registry associations are hereby designated as recognized registry associations: American Trotting Register Association; American Association of Importers and Breeders of Belgian Draft Horses; Arabian Horse Club of America; Cleveland Bay Society of America; American Clydesdale Association; French Coach Horse Society of America; French Coach Horse Registry Co.; German, Hanoverian, and Oldenburg Coach Horse Association of America; American Hackney Horse Society; Morgan Horse Register; Percheron Society of America; American Breeders and Importers Percheron Registry Co.; Percheron Registry Co.; American Saddle Horse Breeders Association; American Shetland Pony Club; American Shire Horse Association; American Suffolk Horse Association; The Jockey Club; The National French Draft Horse Association; Welsh Pony and Cob Society of America; Standard Jack and Jennett Registry of America; American Breeders Association of Jacks and Jennetts. The owner shall have the stallion or jack examined by a qualified, graduate

veterinarian approved by the board, and it shall be the duty of the examining veterinarian to furnish the board with a certificate of examination certified to before a notary public, setting forth the condition of soundness of the stallion or jack examined. Upon verification of the certificate of pedigree and upon receipt of the veterinarian's certificate of soundness, and upon payment of the fee hereinafter provided for, a stallion or jack license shall be issued to the owner of the stallion or jack, except as hereinafter provided for.

[1921 c. 293 s. 3] (5857)

39.04 DISEASES; EXAMINATION. The presence of any one or more of the following named diseases shall disqualify a stallion or jack from public service, and they are hereby defined as infectious, contagious, or transmissible disease or unsoundness for the purposes of this chapter: bone spavin, sidebone, ringbone, curb (when accompanied by curby formation of the hock), glanders-farcy, maladie-ducoit, urethral gleet, and mange. The board is hereby authorized to refuse certificate of enrollment to any stallion affected with any one of the diseases or unsoundnesses specified, and to revoke a previously issued stallion license certificate of any stallion found on examination to be so affected; provided, that in the event a stallion, previously licensed, is found upon reexamination to be affected with any disease or unsoundness hereinbefore specified, the board may grant the owner of the stallion a license, the license to set forth the condition of soundness as reported by the examining veterinarian. The owner of a stallion or jack licensed under the provisions of this chapter shall have the stallion or jack reexamined every fourth year until the stallion or jack is ten years of age, at which time he shall be exempt from further reexamination.

[1921 c. 293 s. 4] (5858)

39.05 OWNER MAY PROTEST; REEXAMINATION. When a stallion or jack has been rejected by the board and the owner is not satisfied with the decision, the owner may file a protest. The protest shall be accompanied by a certified check to the amount of \$10.00 and, upon receipt of these papers, the board shall provide for reexamination to be made by a competent, disinterested veterinarian, other than the one who made the first examination. In case the report of this veterinarian shall agree with that made by the veterinarian previously examining the stallion or jack, his decision shall be final and the expense of the examination shall be paid from the certified check deposited by the stallion or jack owner, and the balance, if any, shall be refunded to him. In case the second examining veterinarian shall declare that the stallion or jack is not affected with any of the diseases or unsoundnesses hereinbefore specified, the expense of the examination shall be paid by the board out of the funds hereinafter provided for, and the deposit of the owner shall be refunded to him.

[1921 c. 293 s. 5] (5859)

39.06 TEMPORARY CERTIFICATES. The board is authorized, in cases of emergency, to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that, to the best of his knowledge and belief, the stallion or jack is free from infectious, contagious, or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

[1921 c. 293 s. 6] (5860)

39.07 LICENSE POSTED. The owner of any stallion or jack standing for public service in this state shall, during the entire breeding season, keep an exact copy of the license certificate of the stallion or jack posted in a conspicuous place on each stable or building where the stallion or jack stands for public service. These copies shall be printed in bold-faced and conspicuous type, not smaller than that appearing in the license certificate issued by the board. Every handbill and poster issued by the owner of any stallion or jack licensed under this chapter shall contain an exact copy of his license certificate and shall not contain illustrations, pedigrees, or other matter that is untruthful or misleading. Every newspaper advertisement pertaining to or describing the stallion or jack as a sire shall contain, in conspicuous type, the name of the class, whether pure-bred or grade, and the number of the license certificate issued by the board for the stallion or jack and shall not contain illustrations, pedigrees, or other matter that is untruthful or misleading.

[1921 c. 293 s. 7] (5861)

39.08 HOW REGISTERED. Any stallion, the pedigree of which is properly registered in a recognized studbook, shall be licensed as a pure-bred. Any stallion which

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is not registered in a recognized studbook shall be licensed as a grade. Any jack, the pedigree of which is properly registered in a recognized studbook, shall be licensed as a registered jack. Any jack which is not properly registered in a recognized studbook shall be licensed as a non-registered jack. Any stallion registered in the non-standard department of the American trotting register shall be licensed as a grade.

[1921 c. 293 s. 8] (5862)

39.09 FEES; RENEWAL. A fee of not to exceed \$4.00 shall be paid to the secretary of the board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion or jack. In order to keep the license certificate effective, a fee of not exceeding \$2.00 shall be paid annually for the renewal of the license certificate. In case the license is not renewed, the board is authorized to revoke the license. A fee of \$5.00 shall be paid to the board for the veterinary examination of each horse examined, when the veterinarian making the examination is employed by the board.

[1921 c. 293 s. 9] (5863)

39.10 TRANSFER OF CERTIFICATE. Upon transfer of ownership of any stallion or jack licensed under the provisions of this chapter, the license certificate may be transferred by the secretary of the board upon submittal of satisfactory proof of the transfer and upon payment of a fee of \$1.00.

[1921 c. 293 s. 10] (5864)

39.11 IMPORTER MUST OBTAIN CERTIFICATE. Each person importing into the state any stallion or jack for breeding or sale purposes, shall first secure a certificate from a competent and reputable veterinarian, or a state license certificate, certifying that the stallion or jack is free from all the diseases and unsoundnesses hereinbefore specified. A copy of the certificate must be attached to the waybill before the importation of the stallion or jack into the state.

[1921 c. 293 s. 11] (5865)

39.12 DISPOSAL OF FUNDS. The funds accruing from the above named fines, fees, or from other sources shall be used by the board to defray the expenses of enrollment of pedigrees and issuance of licenses, to provide for the examination of stallions and jacks; to publish reports or bulletins containing lists of stallions and jacks examined; to disseminate information pertaining to horse-breeding, and for any other such purposes as may be necessary to properly carry out and enforce the provisions of this chapter. It shall be the duty of this board to make annual report, including financial statement, to the governor, and all financial records shall be subject to inspection at any time by the public examiner.

[1921 c. 293 s. 13] (5867)

39.13 LIEN FOR SERVICE; ACTION. Each stallion or jack owner complying with the provisions of this chapter shall have a lien upon each mare served and first lien on the offspring resulting from the service, to the amount of the agreed service fee. The lien shall become effective upon the birth of the foal or upon the fulfillment by the owner of the stallion or jack of his contract, or in case of removal or attempted removal of the mare, without consent of the person holding the lien, from the county wherein her owner resides at the time of service, and it shall remain effective for a period of 24 months from the date of service. In case his right of action accrues, the owner of the stallion or jack may file with any justice of the peace in the county a written statement containing his cause for action, amount of his claim, and a description of the mare upon which he has a lien and the justice shall thereupon issue a summons as in other cases and an order to the constable to take the animal and her offspring, if there be an offspring, and hold her or them subject to the order of the court. If, upon trial, judgment be rendered for the plaintiff, the court shall order a sale of the animal or animals to pay the judgment and costs.

[1921 c. 293 s. 14; 1937 c. 177 s. 1] (5868)

39.14 NOT TO ISSUE LICENSE FOR MONGREL STALLION. The board is hereby authorized to refuse to issue a license to a mongrel stallion.

[1921 c. 293 s. 17] (5871)

39.15 VIOLATIONS; PENALTIES. Violation of any of the provisions of this chapter is hereby made a misdemeanor and shall be punished by a fine of not less than \$25.00, nor more than \$100.00, or by imprisonment in the county jail for not less than ten, nor more than 30, days for each offense. The burden of proving his license shall be upon the defendant in all actions hereinbefore referred to.

[1921 c. 293 s. 12] (5866)