

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved July 11, 1911.

No. 56, A.]

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CHAPTER 637.

AN ACT to repeal section 1492d—1; to amend sections 1492a, 1492aa, 1492b, 1492c, 1492d, 1492e and 1494—72; to create sections 1492b—1 to 1492b—9, inclusive, of the statutes, and section 1492ef of the statutes, relating to the live stock sanitary board and its duties; to the tuberculin testing of cattle; to the condemning and slaughtering and appraising of diseased animals, and to the disposition thereof and compensation therefor; to the appointment of appraisers; to the sale of diseased animals; to the inspection of slaughtered animals; to the purchase, sale and use of tuberculin, and to the appropriation for clerical assistance in the office of the live stock sanitary board, providing a penalty and making an appropriation therefor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1492d—1 of the statutes is repealed.

SECTION 2. Section 1492a, 1492aa and 1492b of the statutes are amended to read: Section 1492a. 1. The various town, village and city boards of health shall take cognizance of the existence of contagious and infectious diseases among animals, report all cases thereof coming under their observation in their respective localities to the state veterinarian and co-operate with him to prevent their spread; any such board, or the health officer thereof, may order that any animal affected or suspected of being affected, with any such disease or which has been exposed thereto, shall be quarantined, and the removal thereof from any premises where it may be ordered to be kept shall be forbidden. If any such board shall be unable to determine the nature of any disease prevailing among animals they may request the state veterinarian to investigate the same. Said veterinarian may quarantine premises upon which is a domestic animal afflicted with a contagious or infectious disease, or that is suspected to be so afflicted, or that has been exposed to such disease, and forbid the removal of any such animal or any animal susceptible to such disease therefrom by serving a written order upon the occupant or owner of such premises, and by posting a copy of such order at the usual entrance thereto; and if any such disease shall become epidemic in any locality he shall immediately notify the governor, who may thereupon issue a proclamation quar-

antining such locality, and forbidding the removal therefrom of any animal of the kind so diseased or of any kind susceptible to such disease without the written permission of the state veterinarian. *It shall be the duty of the local health and police officers of any town, city or village to co-operate with the state veterinarian and assist him in the enforcement of the provisions of such proclamation.*

2. Any person who shall remove or allow the removal, without such permission, of any animal quarantined under the provisions of this section, shall * * * be liable to all persons injured thereby for the damages sustained, and forfeit all right to the indemnity which he might be entitled to under section 1492b. And shall be deemed guilty of misdemeanor and upon conviction thereof punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than thirty days.

3. If * * * any local health or police officer * * * shall fail or refuse to co-operate with the state veterinarian or the live stock sanitary board in matters relating to the control and eradication of any contagious disease such as is involved in the quarantine or disposition of affected animals, or disinfection of infected premises, he * * * shall be removed from office by the person or persons having power to make this appointment. The place shall be immediately filled by said appointive power.

Section 1492aa. 1. There is hereby constituted a state live stock sanitary board which shall consist of three members of the state board of agriculture, to be chosen by that body from its membership, the bacteriologist of the state agricultural college and the state veterinarian; the last two mentioned members to be ex-officio members of the board, and * * * to serve without additional compensation. The members selected from the state board of agriculture shall hold office for a term of three years, except that the member first chosen shall hold his position for one year, the second for two years, and the third for three years from the first day of June, * * * 1911.

2. * * * *The members of said board shall serve without salary, but shall be paid three dollars per day and * * * their actual necessary expenses when actually engaged in the discharge of their official duties.*

3. Meetings of the board shall be limited to twelve in each year, and the service of no member on said board, for which a per diem is paid, shall exceed * * * one hundred days in any one year. The board may organize by the election of a president and secretary and shall hold its office in such room in the capitol

as the * * * *superintendent of public property* may designate.

Section 1492b. 1. Whenever the owner shall not exercise the option mentioned in the preceding section, and it shall be deemed necessary by the board to slaughter diseased animals *and animals reacting to the tuberculin test, either on the premises or at some designated abattoir or any other place for demonstration purposes*, written notice shall be given to the owner, his agent or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

2. Such notice shall be entered on the docket of such justice, who shall immediately thereafter summon such owner, agent or possessor, and also three disinterested citizens of the county not residents of the immediate neighborhood in which such animals are owned or kept, to appraise the value thereof. *Every person so appointed shall have had experience in the raising and care of live stock, and shall be familiar with the value of such live stock, and competent to appraise the same.* Such appraisers shall, before entering upon the discharge of their duties, be sworn by such justice to make a true appraisal without prejudice or favor, of the value of such animals, and if such slaughter is made on the premises where said animals are kept, they shall certify in their return that they have seen the appraised animals slaughtered.

3. In making the appraisal of diseased animals the appraisers shall determine their value in the condition in which they are found at the time of the appraisal; but the appraised value of no single animal shall exceed the actual market value thereof at the time of such appraisal; and in no case shall it exceed * * * *sixty dollars.* *The appraisers shall immediately make a verified report to the justices of the peace, giving the number of animals appraised, and the amount each animal was valued at.*

4. *The appraisers herein provided for shall receive two dollars a day for each day actually employed as such, which amount shall be paid out of the county treasury upon the certificate of the justice by whom they were summoned.*

5. *The justice of the peace and other officers who may perform any duty hereunder, shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed.*

* * * 6. In case of bovine tuberculosis, if it shall be deemed advisable by the live stock sanitary board, such appraised ani-

mals shall be shipped at the expense of the state and under the direction and control of the board to some abattoir to be designated by the board for immediate slaughter under United States government inspection. The owner or person in charge of such animals shall be given due notice * * * specifying the time and * * * place at which such animals are to be slaughtered, and such owner or his representative shall be granted the privilege and opportunity to be present at such slaughter. A report of such slaughter must be submitted to the secretary of the live stock sanitary board by a member of * * * such board.

7. It shall be the duty of the state live stock sanitary board to negotiate with packers and slaughtering concerns for the purpose of disposing of the meat and by-products of all animals slaughtered under the supervision of the board. They shall keep an accurate account of all animals condemned and slaughtered, to whom the meat and by-products of each animal was transferred, whether or not tubercular lesions were found upon the carcass of the animals slaughtered, whether the same was tanked or passed for food, and what amount was realized for the meat and by-products of each animal, giving the weight per animal and the price realized per pound, live or dressed. Such account shall give the name of the owner of each animal, the tag number and the name of the person making the test, the amount at which each animal was appraised, also the cost of transportation of each such animal. A copy of such account shall be filed with the secretary of state every thirty days.

* * * 8. The proceeds of any * * * sale of carcasses and by-products of such condemned slaughtered animals, together with an account thereof * * * shall be returned to the secretary of the board and such net proceeds shall be * * * immediately transferred by the secretary of the board to the secretary of state, who * * * thereupon shall pay the same into * * * the state * * * treasury.

* * * 9. If any such appraised animals be slaughtered on the premises of the owner thereof such slaughter shall be made under the supervision and direction of the * * * state veterinarian or his assistant, or any member of the live stock sanitary board of the state.

* * * 10. The owner of slaughtered animals shall receive no compensation for the same unless said sanitary board is satisfied that the infected premises have been disinfected in such manner as to prevent the further spread of the disease.

11. The owners of condemned and slaughtered animals shall receive compensation therefor from the state until June 1.

1913, as follows: For bovine animals condemned and ordered slaughtered by the board, on account of reacting to the tuberculin test, but upon whose carcass no tubercular lesions were found, the full appraised value, which in no case shall exceed sixty dollars. For bovine animals condemned and ordered slaughtered, on account of having reacted to the tuberculin test, upon whose carcass tubercular lesions were found at the time of the slaughter thereof, three-fourths of the appraised value of such animal, and for other animals, three-fourths of the appraised value of the same.

* * * 12. In order to determine the competency of parties other than licensed veterinarians, who may wish to apply the tuberculin test to cattle, the live stock sanitary board is hereby authorized to hold examinations of such parties, and to issue permits to make such tests to those passing the examinations, which permit shall entitle the holder to legal recognition in his work. * * * Providing that such examinations, relative to determining the competency of persons desiring to apply the tuberculin test, shall not be formulated so as to authorize only veterinary surgeons and graduates of the state agricultural college to conduct such tests.

13. When the owner or person in charge of animals condemned, on account of having reacted to the tuberculin test, is not present at the slaughter thereof, the secretary of the live stock sanitary board shall, within thirty days after such slaughter, inform the owner or person in charge whether tubercular lesions were discovered upon the carcass of any such animals.

SECTION 3. There are added to the statutes nine new sections to read: Section 1492b—1. No person shall apply the tuberculin test to any animal except his own, unless he has, prior to the time of making such test, delivered to the owner or person in charge of such animals, a copy of the rules and regulations, adopted by the live stock sanitary board, regarding the application of the tuberculin test, stating in detail how such test should be properly applied.

Section 1492b—2. No person shall at any time or in any manner apply tuberculin to any animal, unless the temperature record be reported to the state live stock sanitary board.

Section 1492b—3. The live stock sanitary board shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application, to all persons authorized to make tuberculin tests in cattle.

Section 1492b—4. The live stock sanitary board of the state, and all members or employes thereof, are prohibited from mak-

ing any distinction or discrimination whatever in the furnishing and distribution of tuberculin among licensed veterinarians, and other persons holding permits to test, for use in making tests in cattle.

Section 1492b—5. All tuberculin sold, given away or used within this state, shall bear a label stating the name and address of the person, firm or institution making it, and the date of preparation.

Section 1492b—6. Every druggist or vendor of drugs, wholesale or retail, or other person, who shall hereafter, in the state of Wisconsin, sell, furnish, give away or supply to any person any tuberculin shall, on the same day of selling, furnishing or supplying the same, report to the state live stock sanitary board, giving the name and address of the person to whom sold, furnished or supplied, the amount sold and the date of delivery.

Section 1492b—7. Persons buying or procuring tuberculin shall not use or dispose of it, until assured in writing by the person from whom the tuberculin is received, that its sale or delivery to said person has been reported to the state live stock sanitary board.

Section 1492b—8. Any person applying the tuberculin test to cattle in the state of Wisconsin, who does not comply with the rules, regulations and instructions furnished by the Wisconsin live stock sanitary board, shall forfeit all right to apply the tuberculin test and surrender his permit to said board, which is hereby given the power and authority to revoke the right of any person to apply the tuberculin test, upon proof of noncompliance with such rules and regulations.

Section 1492b—9. It shall be unlawful for any person, to in any manner, change the record of any temperature sheet or to falsely record any test, or to induce or conspire with another, either directly or indirectly, to change the record of any test sheet or to falsely record any test, so as to show that an animal has reacted to the test when the true temperature or record would not indicate any reaction, or so as to show that an animal has not reacted to the test when the true temperature or record would indicate a reaction. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than six months.

SECTION 4. Sections 1492c, 1492d, 1492e and 1494—72 of the statutes are amended to read: Section 1492c. 1. Whenever the state live stock sanitary board shall have reason to be-

lieve that there is danger of the introduction into this state of any contagious or infectious disease prevailing among domestic animals, in any district, outside this state, or its dissemination from one district in this state to another, it shall investigate the existing conditions, and if it conclude that danger exists to the live stock interests of this state therefrom, it may, with the advice and consent of the governor, prohibit the importation of animals of the kind diseased from the infected district, into this state, or the moving of them from one part of the state to another, except under such regulations as the board may establish.

2. It shall be the duty of every person who shall have reason to suspect that there is upon his premises, or upon the premises occupied by him, or under his control, any domestic animal having a contagious or infectious disease, to immediately report the fact to the * * * state veterinarian, or the secretary of the *live stock sanitary board*. The board or state veterinarian may require that the owner of suspected stock * * * employ at his own expense, a qualified veterinary surgeon, or some other competent person authorized by law or by the state live stock sanitary board, to examine such stock and determine whether, in his opinion, the disease exists.

3. This board or any member thereof may enter upon any premises or go into any building or place, where he has reason to suspect there may be diseased animals, and examine the same and may call to his aid, if necessary, the sheriff or any constable of the county, in which such animals may be located, and all such officers, when so called upon, shall assist such board or member thereof in the enforcement of the provisions of this * * * section.

(Am. 1911, c. 664, s. 153.)

4. Animals in transit in the state are hereby declared to be under the provisions of this act.

Section 1492d. 1. * * * All claims against the state arising from the slaughter of animals * * * shall be made by filing with the secretary of state a copy of the * * * *live stock sanitary board's* notice to the owner and to the justice of the peace, and the return of the appraisers to the justice, which notice and return shall be certified by such justice, together with a statement of the person under whose inspection such animals were slaughtered, giving the name and place of residence of the owner, the date on which such animals were slaughtered, the tag number of each animal, and showing whether tubercular lesions were found in the carcass of any such animal, and stating whether such carcass was passed for food

or * * * *tanked*; the secretary of state and state veterinarian shall examine such statements, and if satisfied that the amounts at which such animals were appraised are just, and that the owner of such animal or animals slaughtered is entitled to indemnity, the secretary of state shall issue his warrant in favor of the owner of such animal for the full sum named in such return for all animals ordered slaughtered by the proper authorities on account of reacting to the tuberculin test upon whose carcass the inspector failed to discover tubercular lesions at the slaughter thereof and for three-fourths of the sum named in such return for all other animals so slaughtered.

2. The right to indemnity shall not exist, nor shall payment be made in either the following cases:

(1) For animals owned by the United States, this state or any county, city, town or village in this state.

(2) For animals brought into this state, contrary to the provisions of this act, or where the owner of the animal or the person claiming compensation has failed to comply with the provisions of the same.

(Am. 1911, c. 664, s. 153.)

(3) When the owner or claimant, at the time of coming into possession of the animal, knew or had good reason to believe it to be afflicted with a contagious or infectious disease.

(4) When the animal slaughtered was diseased at the time of its arrival in this state.

(5) When the owner shall have been guilty of negligence, or has wilfully exposed such animals to the influence of a contagious or infectious disease.

(6) When the animal slaughtered shall have been brought into the state within one year prior to such slaughter, unless the owner or person in charge shall produce the certificate of a duly qualified veterinary surgeon, who is a graduate of a reputable veterinary college, and such certificate approved by the state veterinarian of the state from which the animal is shipped, or some veterinary employed by the United States department of agriculture, issued within * * * thirty days of the date of importation, showing such animal to be free from tuberculosis at the time of its arrival in the state.

Section 1492e. 1. The state live stock sanitary board shall be allowed for clerical assistance and other purposes a sum not to exceed * * * three thousand dollars annually.

2. The state veterinarian is hereby authorized to appoint an assistant state veterinarian, who shall be a duly qualified veterinary surgeon, at a salary not to exceed fifteen hundred dol-

lars per year and his actual expenses incurred in the performance of his duties: and the state veterinarian may call to his assistance, as may be necessary in the performance of his work, duly qualified veterinary surgeons, who shall be paid for their services at the rate of five dollars per day and their actual expenses for the time they are actually employed as assistants. All accounts shall be audited upon itemized vouchers, certified to by the state veterinarian, but no person shall be considered a veterinary surgeon within the meaning of this act, who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada or Europe.

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(Am. 1911, c. 64, s. 153.)

* * * 3. The superintendent of public property is hereby instructed to furnish the state veterinarian and live stock sanitary board with a suitable office in the capitol building and with the necessary stationery, * * * postage stamps, * * * office supplies and equipment.

SECTION 1494—72. In case any animals are inspected outside of the state, duly certified certificates of inspection, giving in full the temperature records of the tuberculin test, must be prepared in triplicate, one of which is furnished the shipper, one furnished the transportation company hauling the cattle, and one forwarded immediately to the state live stock sanitary board at Madison, Wisconsin. Such certificates shall contain an indorsement of the state veterinarian or some member of the live stock sanitary board or sanitary commission of such state, or of any veterinarian employed by the United States department of agriculture, showing that such test is true and correct. The expense of such inspection and certificate shall be paid by the owner of such cattle.

SECTION 5. There is added to the statutes a new section to read: Section 1492ef. Any person who violates any provisions of this act shall be deemed guilty of a misdemeanor, and except as otherwise provided, shall upon conviction, be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than sixty days.

(Am. 1911, c. 64, s. 153.)

SECTION 6. There is hereby annually appropriated, out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

(Am. 1911, c. 64, s. 153.)

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

(Am. 1911, c. 64, s. 153.)

Approved July 11, 1911.