

CHAPTER 95.

LIVE STOCK BREEDING AND SANITATION.

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95.01 Stallions and jacks; registration, regulations. (1) Unless a different meaning is given in the context, the following terms wherever used in this chapter shall mean:

(a) "Department" means the "department of agriculture and markets."

(b) "Public service" means the use of a stallion or jack for breeding purposes on mares or jennies belonging to others than the sole owner of the stallion or jack. The use of unlicensed stallions or jacks is likewise construed as "public service" regardless of whether direct, indirect or no payment is made for the use of the stallion or jack for breeding purposes.

(c) "Veterinarian" means a veterinarian as defined in section 95.51.

(2) No person shall use or offer for use for public service any stallion or jack unless and until he shall have registered such stallion or jack with the department, and shall have procured a certificate of such registration from said department.

(3) (a) A partnership ownership of an unlicensed stallion or jack for breeding purposes is declared illegal. The use of unlicensed stallions or jacks is construed as illegal whether the stallion or jack is taken away from the premises for breeding purposes or whether the female animal is brought onto the premises to be bred.

(b) Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment. [1935 c. 323; 1935 c. 550 s. 109; 43.08 (2); 1939 c. 341]

95.02 Soundness; veterinarian's oath. (1) In order to obtain a certificate the owner shall have the stallion or jack thoroughly examined by a legally qualified veterinarian who may charge a just and reasonable fee, not in excess of five dollars for each animal examined, and shall forward to the department an affidavit of soundness and such further information as the department may require pertaining to fitness for breeding purposes signed by the examining veterinarian, on a blank form furnished by said department,

together with the original studbook certificate of registry of the pedigree of the stallion or jack, if any, and any other papers required to prove his breeding, identity and ownership.

(2) (a) The presence of any one of the following named diseases shall disqualify a stallion or jack for public service: Cataract, cryptorehid (ridgling); periódic ophthalmia (moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus' dance, crampiness, shivering, stringhalt); bone spavin; ringbone; sidebone; navicular disease; bog spavin; curb, with curby formation of hock; glanders; maladie du coit; urethral gleet; mange; melanosis.

(b) A stallion or jack of inferior type or conformation, or lacking in size, height or weight for the breed or classification to which it belongs, is disqualified for public service.

(3) The department shall refuse to license the stallion or jack affected with any of the above named diseases or that is of inferior type or conformation or lacking in size or weight for the breed or classification to which it belongs. It shall revoke any previously issued license certificate of any stallion or jack found on investigation by the department to be so affected or disqualified.

(4) Every stallion or jack licensed for public service shall be reexamined at least every three years by the department without cost to the owner, as far as department funds will permit. [1935 c. 323; 1935 c. 550 s. 109; 1939 c. 341]

95.03 Unsoundness; complaints and examiners. (1) When a complaint signed by a responsible person is made to the department that a stallion or jack is unsound and, on investigation, an examination is deemed necessary, such examination shall be made by a legally qualified graduate veterinarian deputized by the department; but the owner of the stallion shall have the right to employ a legally qualified graduate veterinarian to act with the veterinarian representing the department, and in case these two shall fail to agree they shall appoint a third graduate veterinarian to act as referee, and his decision shall be final.

(2) If the department refuses to grant a license to the owner of a stallion or jack, the owner thereof may appeal to an arbitration committee. Each party shall select a competent veterinarian as an arbitrator and such two arbitrators shall select a third competent person. The decision of such arbitrators as to whether or not the stallion or jack shall be licensed is final. [1935 c. 550 s. 109; 1939 c. 341]

95.04 Standards; studbooks and signatures. The officers of the department whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard the studbooks and signatures of the duly authorized officers of the American horse and jack pedigree registry associations, societies or companies published in the annual report of the division of horse breeding of the department. [1935 c. 550 s. 109]

95.05 Certificate forms. The certificates of registration shall be for "pure bred," "grade," "scrub," "nonstandard" or "crossbred" stallions, using said designations and shall be in such form, and contain the name of the examining veterinarian and such other matter as the department and the director of the horse breeding division shall direct, and shall be signed by said officers. [1935 c. 550 s. 109]

95.06 Certificates; public posting. The owner of every stallion or jack used for public service in this state, shall post and keep affixed during the entire breeding season, a correct printed copy of his registration certificate, in a conspicuous place both within and upon the outside of his home stable and the stable or building of every other farm or place where he is so used.

95.07 Advertisements; contents. Each bill or poster issued or used by the owner of any registered stallion or jack, or his agent, for advertising shall contain a correct copy of the stallion's or jack's registration certificate, printed in bold-face Roman type not smaller than long primer (ten point), and the first mention thereon of the name of the stallion or jack shall be preceded by the words "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub," in accordance with the wording of the certificate, and printed in type not smaller than the largest type in which the name of the stallion or jack shall be printed on said bill or poster; and it shall be unlawful to print upon the said bill or poster any misleading reference to the breeding of the stallion or jack, his sire or his dam, or to use upon such bill or poster or in any other advertising matter the portrait of a stallion or jack in a misleading way; and each newspaper advertisement, post card, circular letter, or other form of advertising of a stallion or jack for public service shall show the registration certificate number and state whether he is "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub."

95.08 License fees; annual renewal. A fee of four dollars shall be paid to the department upon the examination and registration of each pedigree and upon the issuance of a certificate of registration; and all registration certificates shall expire on the first of January of each year, following date of issuance, and must be renewed annually before the first of April following. A fee of three dollars shall be paid to the department upon re-

newal of certificates. Unless so renewed before the first of April, the registration stands revoked, and no renewal or new certificate shall issue until there has been a renewed and full compliance with sections 95.01 and 95.02. [1935 c. 323; 1935 c. 550 s. 109]

95.09 Certificates; transfer and duplication. Upon a transfer of the ownership of any registered stallion or jack, the certificate may be transferred by the department upon satisfactory proof of such change of ownership and upon payment of one dollar; and a fee of two dollars shall be paid upon the issuance of a duplicate license certificate which may be issued where proof is given of loss or destruction of the original certificate. [1935 c. 323; 1935 c. 550 s. 109]

95.10 [Repealed by 1939 c. 341]

95.11 Live stock brands, recording, misuse. Every town clerk shall, on the application of any person residing in his town, record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded or used by more than one resident of the same town. If any person shall mark any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same town and while the same mark or brand shall be used by such resident, he shall forfeit for every such offense five dollars; if any person shall wilfully mark or brand any of the horses, cattle, sheep or hogs of any other person with his own mark or brand he shall forfeit for every such offense ten dollars; and if any person shall wilfully destroy or alter any mark or brand upon any of the horses, cattle, sheep or hogs of another he shall forfeit ten dollars and pay to the party injured double damages.

95.12 False pedigree. No person with intent to defraud shall obtain from any corporation, association, society or company organized for the purpose of improving breeds of domestic animals, a false certificate of registration of any such animal in the herd or other register of any such corporation, association, society or company, or the transfer of any such certificate, or shall, with intent to defraud, give a false pedigree of any such animal. [1935 c. 550 s. 120]

95.13 Misrepresenting breed of domestic animal. No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such animal is a pure bred animal, when in fact such animal is not registered, or entitled to registry, in any pure breed registry maintained for such animals; nor shall any person knowingly utter, pass or deliver to any person as true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any animal sold or transferred by him, having represented at the time of sale or transfer, and as an inducement thereto, that such animal was registered and that he possessed and would deliver a certificate of registry as evidence thereof, or that such animal was entitled to registry and that he would secure such certificate and deliver the same. [1935 c. 550 s. 121]

95.14 Corporations to improve live stock. (1) Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of live stock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experiment stations, so as to effect the greatest possible co-ordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employes and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any such corporation organized hereunder shall be managed and directed by a self-perpetuating board of directors of five members, consisting of the dean of the college of agriculture of the University of Wisconsin, who shall be permanent chairman of the board, and four others to be appointed in the first instance by the incorporators; at least three of the five members shall always be representative live stock breeders of the state. In case of the failure of the dean of the college of agriculture to act as a member of the board by reason of refusal, disability or vacancy in the chair of such dean, the remaining members of the board shall appoint a representative live stock breeder to act in his place on the board until such time as such refusal, disability or vacancy in such chair shall cease to exist. Whenever the dean of the college of agriculture shall become a member of the board of directors after any such interim, he shall automatically become chairman of the board.

(3) The term of office of all members of the board, except the permanent chairman,

shall expire one each year by lot. The remaining members shall elect a member to succeed the person whose term shall have thus expired. Vacancies occurring during the year may be filled at once by the remaining members.

(4) Any such corporation shall have and possess the general powers of other corporations and its articles of organization shall conform to the provisions of section 180.02 of the statutes with such modifications as the provisions in this section shall require. [1935 c. 550 s. 122]

95.15 Live stock breeders association. (1) The chief of the animal husbandry department of the university, the department of agriculture and the president of the Wisconsin live stock breeders association shall approve all plans for the expenditure of appropriations to the Wisconsin live stock breeders association for the following objects:

(a) To encourage and develop the general live stock industry of the state by the collection and dissemination of information emphasizing the peculiar advantages of Wisconsin as a live stock producing state and its unsurpassed studs, herds and flocks.

(b) To promote a systematic and efficient educational campaign for the purpose of improving the character and increasing the production of the domestic animals of this state.

(c) To safeguard purchasers from fraud upon the part of dealers and breeders and generally to protect, perpetuate and improve the live stock industry of Wisconsin.

(d) To consider and recommend such legislation as may be needed for the proper development and advancement of Wisconsin's live stock industry.

(e) To facilitate the marketing of live stock.

(2) The secretary of the said live stock breeders association shall, under date of June thirtieth of each year, make to the governor of the state a report of the transaction thereof, including an itemized sworn statement, showing all the receipts and expenditures under the provisions of this section during the year ending on said date.

(3) Said association may occupy such rooms in the capitol as may be assigned for that purpose by the director of purchases. [1931 c. 45 s. 1; 1935 c. 550 s. 109, 123]

95.16 Diseases defined. The term "contagious or infectious diseases" as used in the live stock sanitary laws shall include anthrax, blackleg, infectious stomatitis, rabies, tuberculosis, hemorrhagic septicemia, hog cholera, foot and mouth disease, actinomycosis, glanders and farcy, mange and dourine, Bang's disease and such other diseases as may be determined by the department to be contagious or infectious in fact. [1935 c. 550 s. 124; 1937 c. 356]

95.17 Animal diseases; co-operation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in co-operation with the bureau of animal industry of the United States department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the United States department of agriculture under authority of an act of congress relating to the suppression of any such disease and co-operate with the authorities of the United States in the enforcement of their provisions; or it may follow such procedure as to inspection, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the United States department of agriculture. Within the amount which may, subsequent to the passage and publication of this act, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under the provisions of this subsection as shall be determined by and mutually agreed upon with the United States department of agriculture. [1935 c. 550 s. 109, 125]

95.18 Animals in transit. Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the regulations and orders of the department. [1935 c. 550 s. 126]

95.19 Diseased animals reported; transportation of. No person shall bring into this state, or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease, except as authorized by the regulations or orders of the department nor shall any person, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, fail to report such fact as required by law, or attempt to conceal the existence of such diseases upon such premises, or permit such animal to run at large or come in contact with other animals susceptible to such disease. Any person who shall violate any provision of this section or any regulation or order issued pursuant thereto by the department shall be liable to any person injured thereby for the damages by him sustained. [1935 c. 550 s. 127]

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the live stock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish. [1935 c. 550 s. 128]

95.21 Quarantine for rabies. Whenever any district shall be quarantined for rabies, all dogs within said district shall be kept securely confined or tied or held in leash or muzzled. Any dog not so confined or tied or leashed or muzzled is declared to be a public nuisance and may be impounded; and the sheriff and his deputies and every constable, marshal, other police officer or a duly authorized humane society shall actively co-operate in rendering said quarantine effective. The clerk of every town, city or village wholly or partly within the quarantine area shall promptly post in at least three public places in his town, city or village, such notices of quarantine as may be furnished him by the department for posting. [1935 c. 550 s. 109, 129; 1937 c. 244]

Note: This section does not apply to removing dogs to or from district quarantined for rabies. 30 Atty. Gen. 101.

95.22 Reports of animal diseases. (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal.

(2) 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 communicable disease, to immediately report the fact to the department. The department may require the owner to employ at his own expense a licensed veterinarian to examine such animal and to report his diagnosis to the department. [1935 c. 550 s. 130]

95.23 Inspection of premises. Any commissioner or any veterinarian authorized by the department or any health officer may enter upon any premises or go into any building or place, where he has reason to suspect there are diseased animals, and examine and test 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, shall assist in the enforcement of the provisions of law relating to contagious and infectious diseases of animals. [1935 c. 550 s. 131]

95.24 Hog cholera virus. Hog cholera virus (disease producing blood) shall be administered only by a legally qualified veterinarian and shall be used only in herds where the disease has recently occurred or in adjacent herds unless the use of virus in other cases shall have the previous written approval of the veterinarian of the department. Every person in control of premises on which hogs have died from cholera is required promptly to burn the carcasses or bury and cover the same with lime or a large quantity of ashes. Any person violating any of the provisions of this section shall be punished as provided in subsection (4) of section 36.21. [1935 c. 550 s. 132; 43.08 (2)]

95.25 Tested areas. (1) Whenever petitions signed by more than fifty percent of the cattle owners, (as disclosed by the last assessment rolls) resident in any county, shall be presented to the department, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor. The department shall fix a time when and place where said petitions and any objection thereto will be heard by the department, and notice of said hearing shall be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time and place fixed for such hearing, the department shall examine and consider said petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the department determines that the petitions are sufficient to satisfy the statute, such determination shall be final unless reviewed in the manner herein provided. In case the department grants the petition and undertakes the work, notice of such determination and the time when the testing will begin shall be given by publishing the same in at least one newspaper published in such county.

(2) A rehearing shall be granted upon the written application therefor, signed by not less than ten per cent of the resident cattle owners in such county, as shown by the last assessment rolls, and filed with the department within thirty days after the publication of the decision. The department shall, upon receipt of a valid application for rehearing, order one or more employes of said department to make investigations in said county and hold at least one public hearing therein. The employe or employes shall make and file

with the department a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon by the department and if it shall find that the original petitions were sufficient, its decision shall be final.

(3) At any time after the date fixed to commence the work, any commissioner and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test may enter any buildings or inclosures where cattle may be, for the purpose of making inspection and applying the tuberculin test, and any person who shall interfere therewith or obstruct them in said work or attempt to obstruct or prevent by force the carrying on of the inspection and the testing (in addition to the penalty prescribed therefor) shall be liable for all damages thereby caused to the state or county or to any person lawfully engaged in the work of inspection and testing.

(4) The department shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized. Should any such equipment or supplies be no longer needed, the same may be disposed of by the director of purchases, and the proceeds derived from the sale shall be paid into the state treasury and credited to the appropriation for such testing.

(5) No cattle shall be brought into any county after the tuberculin test provided for herein shall have been commenced, or moved from one part of such county to another, except in compliance with regulations prescribed by the department.

(6) The counties shall be tested in the order that valid petitions therefor are received unless the department shall decide that it is not expedient to make the tests in that order.

(7) Area retests and retests of infected herds shall be made by the department in all counties at such intervals as the department may deem necessary to protect the work already done and to preserve such counties their standing as modified accredited or area tested counties under the specifications and regulations of the United States bureau of animal industry and the agreements among the various states. Such area retests and retests of infected herds shall be made at such times and in such manner as the department may determine, in the light of the latest and best scientific and practical knowledge and experience, but a complete area retest shall be made in every county in the state at least once in every six years. The department is authorized to make such retests in any county without petitions.

(8) When a general retest is applied to all of the cattle located within any county that has been area tested, and when retests subsequent thereto are applied to any herds in such county, the state shall pay for each animal condemned and slaughtered one-third of the difference between the net salvage and the appraised or agreed value of the condemned animal. No such payment shall exceed fifty dollars for a registered bovine, or twenty-five dollars for an unregistered one. [1933 c. 140 s. 1, 5; 1935 c. 550 s. 133; 1939 c. 55]

95.26 Bang system; calves from tubercular cattle. The department may authorize the operation of quarantined farms for the purpose of raising calves from tubercular cows under the Bang system and such rules and regulations as the board shall prescribe. [1935 c. 550 s. 109, 134]

95.27 Removing cattle from stockyards. No cattle shall be bought, sold or moved from a stockyard connected with a packing plant or located in the same city or town as a packing plant for the purpose of using them for dairy or breeding stock unless they have successfully passed the tuberculin test as required by order of the department. [1935 c. 550 s. 109, 135]

95.28 Milk from quarantined or tested herds. (1) Whenever any herd of cattle or any district shall be quarantined because of the existence therein of communicable animal disease, the department may order that no milk or milk product from such herd or district shall be utilized in any creamery or cheese factory unless such milk or milk product has been pasteurized or sterilized in accordance with the standards or methods prescribed by the department.

(2) Whenever a majority of the patrons of any co-operative cheese factory or creamery, at a regular meeting of the association, shall vote to have their cows tuberculin tested, no milk shall, after a date to be fixed by the association, be accepted at such factory or creamery, except it comes from cows which have successfully passed such test. [1935 c. 550 s. 109, 136]

95.29 Labeling products from tested herds. (1) Whenever an entire county has been tested for bovine tuberculosis, and so long as all the owners of cattle therein shall comply with the law and the rules for the eradication of said disease, the department shall authorize the county clerk to issue to those engaged in the sale or manufacture of dairy products derived solely from such cattle a permit to label or mark said products as derived from cows which are free from said disease. The form of labels and marks shall be pre-

scribed by the department. Every applicant for a permit shall file with the county clerk at the time the application is made a sworn statement to the effect that all products to be labeled or marked are derived from cows that have successfully passed the tuberculin test.

(2) Whenever all milk or cream delivered to any cheese factory or creamery shall come from tested herds, the owner or operator thereof may file a sworn statement with the department that to his best knowledge and belief all milk and cream received or used at his cheese factory or creamery comes from cows which have successfully passed the tuberculin test, and if the department is satisfied of the truth of said statement it shall issue to such cheese factory or creamery a permit to label or mark its dairy products in the manner above provided.

(3) All permits issued under this section shall be for the period ending December thirty-first of the year for which issued. All applications for permits under subsection (2) of this section shall be accompanied by a fee of ten cents for each cow to be included in the permit.

(4) Any permit may be revoked by the department if there has been a material misstatement in the application, or if any of the requirements for the issuance of such permit is wanting at any time. No person shall use or cause to be used any such label or mark without a permit therefor.

(5) No person shall misuse or imitate the official label or mark furnished by the department, or make any material misstatement in the application for a permit or a renewal thereof. [1935 c. 550 s. 109, 137, 138]

95.30 Option to quarantine or kill diseased animals. In case of bovine tuberculosis or actinomycosis, the owner shall be granted the option of retaining the animals in quarantine under such restrictions as the department may prescribe, or of shipping them under the auspices and direction of the department to some place designated by it for immediate slaughter under United States government inspection, or under the inspection of the department. [1935 c. 550 s. 109, 139]

95.31 Slaughter of diseased animals. Whenever the owner shall not exercise the option mentioned in the preceding section, and it shall be deemed necessary by the department to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the department has authority to agree in writing with the owner as to the value of such animals; in the absence of such agreement, 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. [1935 c. 550 s. 109, 140]

95.32 Valuation; appraisers; fees. (1) Such notice shall be entered on the docket by the justice who shall immediately thereafter notify such owner, agent or possessor of the animals, and summon three disinterested citizens of the county not residents of the immediate neighborhood in which the animals are owned or kept to appraise the value thereof. Every appraiser shall have had experience in the raising and care of live stock, and shall be familiar with the value of live stock, and competent to appraise the same. The appraisers shall, before entering upon the discharge of their duties, be sworn by the justice to make a true appraisement without prejudice or favor of the market value of such animals. The appraisers shall immediately make a verified report to the justice, giving the number of animals appraised, and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

(2) In making appraisement of an animal diseased with glanders, equine pernicious anaemia or dourine, the owner shall receive one-half of the appraised value, but in no case shall he receive to exceed seventy-five dollars.

(3) The appraisers 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. 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. [1935 c. 550 s. 141]

95.33 Tubercular animals that do not react. Whenever in the opinion of the department a bovine is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors. [1935 c. 550 s. 109, 142]

95.34 Slaughter on premises. The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the department or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the United States bureau of animal industry, to be unfit for human food, the inspector shall

destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the department. [1935 c. 550 s. 109, 143]

95.35 Indemnity for slaughtered animals; United States and county co-operation.

(1) For each animal condemned and slaughtered, other than those in area tested counties, the owner shall receive in addition to the net salvage upon the certificate of the department and the state shall pay the owner in cases coming under the co-operative agreement between the state and the United States one-third of the difference between the net salvage and the appraised or agreed value of the animal, but additional payment shall not exceed fifty dollars for a registered bovine and twenty-five dollars for an unregistered one. In other cases the owner shall receive in addition to the net salvage, and the state shall pay, half of the difference between the net salvage and the appraised or agreed value, but not more than ninety dollars for a registered bovine and forty dollars for an unregistered one. The indemnities herein provided for shall be paid to the owner of any steer, hereafter condemned and slaughtered pursuant to an area test, if such steer is less than two years of age and was bred and raised in this state.

(2) The department may co-operate and arrange with county boards and the United States department of agriculture, or with either, in the eradication of tuberculosis, so that each may pay and contribute such part of the cost of eradication or indemnity as shall be agreed upon. The county boards are authorized to appropriate funds for that purpose, and when appropriated shall be paid into the state treasury, added to the state appropriation and expended under the direction of the department.

(3) If registration papers are not presented at the time of the filing of any claim, the animal slaughtered shall be regarded as an unregistered bovine; but this shall not apply to an animal under the age of one year. [1935 c. 550 s. 109, 144; 1939 c. 55]

95.36 Compensation to owners. The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

- (1) Animals owned by the United States, this state or any county, city, town or village.
- (2) Animals brought into this state contrary to any provisions of law.
- (3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.
- (4) Animals diseased at the time of arrival in this state.
- (5) Animals which the owner has negligently or wilfully exposed to contagious or infectious disease.

(6) Animals brought into this state that fail to pass successfully a tuberculin test other than the importation test, such tuberculin test not to be made within 90 days of the date the animal is brought into the state.

(7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.

(8) Where the owner of reacting cattle or the person from whom such cattle have been obtained within ninety days has not tested his entire herd within two years; unless the owner or the person from whom the cattle was so obtained shall agree to test the entire herd, in which case the claim shall be held up until the herd has been tested.

(9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine which had not passed the tuberculin test. [1935 c. 550 s. 109, 145; 1941 c. 24]

95.37 Claims for indemnity. Claims against the state arising from the condemnation of animals shall be made by delivering to the department to be forwarded to the secretary of state, a copy of the condemnation notice and of the notice to the justice of the peace and the return of the appraisers to the justice, which return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and such additional information as the department shall require. In case the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the secretary of state the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the secretary of state and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid. [1935 c. 550 s. 109, 146]

95.38 Claim for indemnity, form. Any person having a claim for indemnity under chapter 95, who has heretofore or shall hereafter file a claim therefor subscribed by him as being true and correct and witnessed by a duly authorized representative of the depart-

ment, shall be entitled to the allowance and payment of such claim to the same extent as if such claim was or is filed in affidavit form. [1935 c. 550 s. 109, 147]

95.39 Agreement to test herd. Before any such claim is paid the owner shall agree in writing to test his entire herd sufficiently often to protect the same against the spread of tuberculosis in it. The frequency of such tests shall be determined by the department; but in no case shall more than two years intervene between such tests. [1935 c. 550 s. 109, 148]

95.40 Report of tuberculin test. No person shall at any time or in any manner apply tuberculin to any animal, unless the temperature record be reported to the department. [1935 c. 550 s. 109, 149]

95.41 Tuberculin; ear tags supplied. (1) The department 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 such test.

(2) The department shall provide ear tags to be used for tagging cattle tested for tuberculosis, and shall distribute the same to persons authorized by the department to test cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution. [1935 c. 550 s. 109, 150, 151]

95.42 Labeling of tuberculin. 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. [1935 c. 550 s. 152]

95.43 Report of sale. Every person who shall sell, furnish, give away or supply tuberculin shall, on the day thereof, report to the department, giving the name and address of the person to whom sold, furnished or supplied, the amount thereof, and the date of delivery. [1935 c. 550 s. 109, 153]

95.44 Notice to purchaser. 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 department. [1935 c. 550 s. 109, 154]

95.45 Revocation of permit to test. The tuberculin test shall be applied to cattle only by veterinarians or persons approved by the department. All such persons applying such test shall tag and brand all reactors in conformity with the rules and regulations of the department. Any person who fails to comply with this section and the rules, regulations and instructions furnished by the department, shall forfeit all right to apply the tuberculin test, and surrender his permit to said department, 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 these requirements. [1935 c. 550 s. 109, 155]

95.46 Altering test records. 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. [1935 c. 550 s. 156]

95.47 Neutralizing cattle test. No person shall use or cause to be used tuberculin or any other agent upon cattle, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made. [1935 c. 550 s. 157]

95.48 Inspection of live stock for shipments. (1) Inspection, examination or testing of live stock for interstate shipment shall be made in this state only by inspectors of the United States bureau of animal industry and inspectors authorized by the department.

(2) The department shall upon request for inspection and tuberculin test of cattle for interstate shipment from this state cause such inspection and test to be made.

(3) Whenever such inspection and test shall be made by a veterinarian in the employ of the department, the person requesting the same shall pay therefor such fees as shall be determined by the department, which fees shall be substantially equivalent to the cost of such inspection and test. Such fees shall be paid to the inspectors before the certificate of inspection is delivered. All such fees shall be paid within one week after receipt into the state treasury. The department may require its inspectors to give such bonds as it may determine. [1935 c. 550 s. 109, 158]

95.49 Reacting exported cattle. (1) Whenever cattle which were tuberculin tested by an authorized inspector in this state prior to shipment into another state, or are tuberculin tested in the other state within three months after arrival there and an unreasonable number react to such retest, the department shall investigate the facts in connection therewith and may compel the appearance before it of the shipper. If it shall appear that the unreasonable number of reactors was due to any act or omission of the shipper, he shall thereafter be denied the privilege of inspection.

(2) Whenever the proper authority of any state shall report to the department that a citizen of such state has exported from this state cattle which were tuberculin tested by an authorized inspector in this state for export from Wisconsin to such state, and that an unreasonable number of such cattle reacted to such test in the other state within three months after arrival there, and that such facts are substantiated by a post mortem exam-

ination made by a federal meat inspector, the department shall, if satisfied of the truth of such report, thereafter deny to the shipper the privileges of inspection provided in this chapter. [1935 c. 550 s. 109, 159]

95.495 Bang's disease. (1) Where the words "tuberculosis," "tuberculin" or "tuberculin test" appear in the provisions specifically referred to as applicable to this section for carrying out the purposes thereof, they shall be deemed to be substituted by the words "Bang's disease," "Brucella antigen," and "Bang's test," respectively.

(2) County areas for testing for the presence of Bang's disease shall be determined by the department in the same manner as provided in subsection (1) of section 95.25 and with like effect, except that the number of signers upon the petitions shall be seventy-five per centum or more of the cattle owners in the county. The provisions of subsections (2) to (7) of said section 95.25 shall apply to this section, except that a complete area retest shall be made in every area-tested county in the state at least once in every three years, and that when retests are ordered they shall have priority over initial area tests; provided, that area testing and retesting shall be discontinued any time after the expiration of one year from the final determination of the sufficiency of the original petition asking that all cattle within such county be tested upon filing with the department a petition asking for such discontinuance signed by at least sixty-five per cent of the cattle owners (as disclosed by the last assessment rolls) in such county. In executing its duties hereunder the department may co-operate with the United States bureau of animal industry when deemed practical and feasible.

(3) Sections 95.30 to 95.35, subsections (1) to (7) and subsection (9) of section 95.36 and section 95.37 shall be applied in carrying out this section; but indemnity shall be denied (1) on steers; (2) on cattle over eight months of age treated after April 1, 1939, with any biological product containing Brucella organisms; and (3) on all cattle which react to the Bang's test in a herd, any cattle in which have been injected without previous permit as herein provided, with such product after said date. Sections 95.38, 95.39 and 95.41 to 95.49 shall apply to this section. The department shall be charged with the responsibility for authorizing the use of any biological product containing Brucella organisms. No person shall treat bovine animals with any such product unless a special written permit therefor shall first be obtained from the department. Such permit shall be granted to approved veterinarians only, and application therefor shall be acted upon within thirty days after filing completed application. If it is denied, the applicant may within thirty days apply for a hearing, which shall be held and decision made thereon within thirty days. Judicial review shall be as provided in chapter 102, so far as applicable, except that the action may be brought in any court of record in the county where the applicant resides, and new matter may be admitted in the discretion of the court. It shall be unlawful to bring or cause to be brought into this state any biological product containing Brucella organisms unless such importation is reported to the department within five days.

(4) For each animal condemned and slaughtered under this section the state shall pay to the owner, upon the certificate of the department, one-third of the difference between the appraised value and the net salvage but not to exceed twenty-five dollars for a nonregistered animal and fifty dollars for a registered one. An animal shall qualify as registered only if the registration papers are presented at the time of condemnation, except that for animals under three years of age a reasonable period of time may be allowed for completing registration. Such sums shall be in addition to any payments which may be made by the county or federal government or both, except that the total amount received by the owner for salvage and such indemnities shall not exceed the appraised valuation.

(5) The department's execution of this section, both as to operating expense and indemnities, shall be dependent upon whether there shall be funds available appropriated by subsection (2) of section 20.60, after deductions have been made for the executing of the provisions relative to bovine tuberculosis and Johne's disease, and only to the extent of funds so remaining. The eradication of bovine tuberculosis shall continue to receive consideration to the end that proper control and eradication of the disease will be continued and that counties may continue in the tuberculosis modified accredited status. [1937 c. 356; 1939 c. 55, 156]

Note: Cattle owner is one who suffers loss in case animal reacts to test and one to whom indemnity is paid. Minor who owns cattle is qualified through his guardian to sign petition for test. Cattle owners in county are qualified to sign petition. Petitions may be received up to time of hearing. If several members of family individually

own certain cattle they may sign petition. Jurisdiction is acquired when petitions signed by seventy-five per cent of cattle owners resident in county are presented to department and subsequent withdrawal of some names does not oust department of jurisdiction. 27 Atty. Gen. 396.

95.50 Disposition of carcasses. (1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor

deposit or leave or permit to be deposited or left upon any premises under his control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than twenty-four hours in the months of April to November, inclusive, or forty-eight hours during the months of December to March, inclusive.

(2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders, or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least four feet below the surface of the ground, and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of in rendering plants under such regulations as shall be prescribed by the department.

(3) Any dead animal found upon a public highway or other public place shall, in case the owner of such animal cannot be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city or village wherein such animal is found. [1935 c. 550 s. 109, 160; 1939 c. 276]

95.51 Veterinarian defined. No person shall be considered a veterinary surgeon or a veterinarian within the meaning of this chapter, who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada or Europe. [1935 c. 550 s. 161]

95.52 Veterinarians; examination and license of. Any person who may desire a license to practice veterinary medicine and surgery in this state may appear before the said veterinary examiners of the department at such times and places as the department may fix and be examined in reference to his skill and knowledge in veterinary medicine and surgery. [1935 c. 550 s. 109, 162]

95.53 Licenses to veterinarians. If such examination shall prove satisfactory to said veterinary examiners, and to the department, it shall issue to such person a license to practice veterinary medicine and surgery. The license to a nongraduate shall state that he is a "nongraduate veterinarian." [1935 c. 550 s. 163]

95.54 License registered. Every license to practice veterinary medicine and surgery shall be registered in the department in a book kept for that purpose. [1935 c. 550 s. 109, 164]

95.55 Fees for examination and registration. Said department shall charge each person applying for examination, whether such applicant passes such examination or not, a fee of five dollars, which in no case is returnable, and shall charge for each annual registration a fee of one dollar. [1935 c. 550 s. 109, 165]

95.56 License prima facie evidence. Every license shall be prima facie evidence of the right of the licensee to practice veterinary medicine and surgery. [1935 c. 550 s. 166]

95.57 Registration year; annual registration. The registration year shall expire on the last day of March. Re-registration may be made at any time between January first and April first. Failure on the part of any licensed veterinarian to register during such period shall revoke his license. [1935 c. 550 s. 167]

95.58 County clerks' lists of veterinarians. A certified list of all persons registered from each county shall be furnished the clerk thereof by the department, and the names on such list shall be registered by said clerk in a book kept for that purpose. [1935 c. 550 s. 168]

95.59 Student exemption. A bona fide student in regular attendance at any recognized veterinary college may practice veterinary medicine and surgery, but not more than eighteen months, under the direct supervision of a registered, licensed, graduate veterinarian. [1935 c. 550 s. 169]

95.60 When no license required. No person is prohibited by this chapter from castrating domestic animals, except horses and mules, from dehorning cattle, from treating sprains, cuts or other ordinary minor injuries; nor shall said chapter be construed to prohibit any person from treating diseases of domestic animals for compensation at any place which shall be twenty or more miles distant from the office or place of business of a practicing veterinarian. [1935 c. 426; 1935 c. 550 s. 170]

95.61 Practice without license prohibited. No person shall practice veterinary medicine or surgery or any branch thereof without being annually registered or without a license. A violation of sections 95.53 to 95.63 shall constitute a separate offense as to each patient treated. [1935 c. 550 s. 171]

95.62 Practice defined; titles. A person shall be deemed to be engaged in the practice of veterinary medicine and surgery who shall ask or receive directly or indirectly any pay, or compensation for the treatment of any domestic animals, also menagerie animals, or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon or specialist, or who shall use the title "doctor," or who shall append to his name the letters V. S., M. D., D. V. S., or M. D. V. [1935 c. 550 s. 172]

95.63 Revocation of license; notice. The said department may, upon the recommendations of the veterinary examiners and after a hearing, revoke any such license for any professional misconduct or breach of duty by the licensee. The department shall give him at least twenty days' notice in writing of the hearing and of his right to be heard. [1935 c. 550 s. 109, 173]

95.64 Live stock remedies; definition, sales. (1) The term "live stock remedy" as used in sections 95.64 to 95.67 shall include all devices, remedies, cures, tonics, powders, proprietary medicines, condimental feeds, medicated stock foods and similar preparations for the treatment or prevention of any disease of live stock, poultry or other domestic animals and administered internally for their stimulating, invigorating, curative or other powers; but excluding all medicines manufactured, sold and recommended primarily for human use.

(2) No person by himself, his servant or agent shall sell, offer or expose for sale or have in his possession with intent to sell any live stock remedy which is not registered as provided in section 95.65, or which:

- (a) Is sold under a name, brand or trade-mark which is misleading or deceptive;
- (b) Purports to cure Bang's disease (commonly called contagious abortion), hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhoea or any other disease of domestic animals for which no genuine cure is known;
- (c) Does not have printed or written upon the label of each package as sold at retail, in type not less than one-fourth the largest type on the package:

1. The common name in English of all ingredients;
2. The percentage of each diluent, filler or inert ingredient;
3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;
4. The net contents, by weight or measure, of such package;
5. The name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market;

(d) Does not contain all the contents of the package as originally put up, without addition.

(3) No label of a package in which a live stock remedy is sold at retail shall state that the remedy has been registered by the department unless such statement is immediately followed in at least equally large and conspicuous type in the same color by the words: "This statement does not indicate or imply directly or indirectly any indorsement by the department." [1935 c. 550 s. 109, 174; 1939 c. 322]

95.65 Live stock remedies; registration; fee. (1) Upon application of the manufacturer or distributor and payment of the registration fee of six dollars for each remedy, the department shall register any live stock remedy which does not violate paragraphs (a) to (d) of subsection (2) or subsection (3) of section 95.64. Such registration shall expire December thirty-first unless sooner canceled or a change is made in the ingredients or formula of manufacture or in the name, brand or trade-mark under which such live stock remedy is sold. In the event of any such change, it shall be necessary to register such remedy again, and in the same manner as upon original application.

(2) The department may cancel the registration of any live stock remedy which subsequent to such registration is sold in violation of subsection (2) of section 95.64, and whenever a change is made in the ingredients or formula of manufacture or in the name, brand or trade-mark under which such remedy is sold, unless such remedy has been re-registered as provided in subsection (1) of this section.

(3) The department may make regulations governing applications for registration, the submission of samples for analysis and all other matters necessary to give effect to this section, but no such regulation shall impose any requirement for registration other than as provided by this chapter. It may take expert and other testimony whenever it deems such testimony advisable and shall grant a public hearing, upon request therefor, to any manufacturer or distributor whose request for the registration of any live stock remedy has been denied and also prior to the cancellation of any registration.

(4) Each live stock remedy which is registered at the end of 1939 must be reregistered for the calendar year 1940; but the part of the fee proportionate to the then unexpired portion of one year from its last registration shall be credited toward its 1940 registration fee. [1931 c. 470 s. 6; 1935 c. 550 s. 175; 1939 c. 322]

95.66 Samples. All samples for analysis shall be taken from stocks in the state, or intended for sale in the state, and the department may call upon the manufacturer or distributor applying for the registration of a remedy to supply samples thereof for analysis. [1935 c. 550 s. 176]

95.67 [Repealed by 1939 c. 322]

95.68 Construction of sections 95.64 to 95.67. If any provision of sections 95.64 to 95.67 is declared unconstitutional or the applicability thereof to any person, commodity or transaction is held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons, commodities and transactions shall not be affected thereby. [1935 c. 550 s. 178]

95.69 Penalties. Any person who shall:

(1) Violate any provision of sections 95.01 to 95.11, subsection (3) of section 95.25, subsection (5) of section 95.29, sections 95.48, 95.50 or 95.61, or any other provision of this chapter for which a specific penalty is not prescribed shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, or by both such fine and imprisonment.

(2) Violate any provision of sections 95.19, 95.28 or 95.46 shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

(3) Violate any of the provisions of sections 95.12, 95.13 or 95.47 shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than six months nor more than one year, or by both such fine and imprisonment.

(4) Sell, offer or expose for sale or have in his possession with intent to sell any live stock remedy in violation of the provisions of subsection (2) of section 95.64, or who shall wilfully and falsely represent that any live stock remedy is registered for sale in this state when in fact it is not so registered, shall be fined not to exceed three hundred dollars or be imprisoned in the county jail for not to exceed one year or be punished by both such fine and imprisonment. [1935 c. 550 s. 179; 1937 c. 244]