

No. 878, A.]

[Published June 22, 1909.

## CHAPTER 542.

AN ACT to amend sections 1492b, 1492c and 1492d; to create section 1492d—1; and to amend sections 1494—71, 1494—72 and 1494—77 of the statutes, relating to importation of cattle and to claims against the state arising from the slaughter of tuberculin tested and diseased domestic animals.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections 1492b, 1492c and 1492d of the statutes are amended to read: 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, 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. Such appraisers shall, before entering upon the discharge of their duties, be sworn by such justice to make a true appraisement 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 appraisement of diseased animals the appraisers shall determine their value in the condition in which they are found at the time of the appraisement; but the appraised value of no single animal shall exceed the actual market value thereof at the time of such appraisement and in no case shall it exceed *fifty-five* dollars.

4. In case of bovine tuberculosis if it shall be deemed advisable by the live stock sanitary board, such appraised animals 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 of such animals shall be given due notice at what time and at what place such*

*animals are to be slaughtered, and such owner or his representative shall be granted the privilege to be present at such slaughter.* A report of such slaughter must be submitted to the secretary of the sanitary board by a member of the live stock sanitary board.

5. The proceeds of any such sale together with an account thereof and all disbursements made in connection with such shipment shall be returned to the secretary of the board and such net proceeds be by the secretary immediately transferred to the secretary of state who in turn shall pay the same to the state treasurer.

6. If any such appraised animals be slaughtered on the premises such slaughter shall be made under the direction of local health officer or the chairman of the town board, or the state veterinarian, or his assistant, or any member of the state live stock sanitary board.

7. 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.

Section 1492c. 1. Whenever the state live stock sanitary board shall have reason to believe 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 local board of health, or some member of the same, who shall immediately report such case to the state veterinarian, or the secretary of the board. The board or state veterinarian may require the owner of suspected stock to 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 act.

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

Section 1492d. \* \* \*

1. *From and after July 1st, 1909, all claims against the state arising from the slaughter of animals as above provided, shall be made by filing with the secretary of state a copy of the state veterinarian's notice 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 condemned; the secretary of state 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, shall issue his warrant 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.

\* \* \* (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, issued within ten days of the date of importation, showing such animal to be free from tuberculosis at the time of its arrival in the state.

Section 2. There is added to the statutes a new section to read: Section 1492d—1. From and after December 1, 1910, it shall be unlawful to sell or otherwise transfer any bull, cow or heifer of the bovine family, over six months old, for other than temporary feeding purposes or to be exported from the state or slaughtered, unless the same has within two years prior to such sale or transfer been tuberculin tested by some competent person, approved by the state live stock sanitary board, and been found to be free from tuberculosis, the same to be shown by the temperature sheets of such test, one copy of which shall be delivered to the purchaser at the time of sale, and another at the same time shall be sent by mail to the state live stock sanitary board; and no person shall purchase any such animal except as above provided unless the same has been tuberculin tested, and the evidence of such test as provided in this act accompanies the animal, and no person shall at any time or in any manner apply tuberculin to any animal unless such application be reported to the state live stock board.

2. Any person who violates 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 twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days.

SECTION 3. Sections 1494—71, 1494—72 and 1494—77 of the statutes are amended to read: Section 1494—71. 1. The importation of cattle into the state for \* \* \* *other purposes than to be slaughtered within ten days subsequent to such importation* is hereby prohibited, excepting when such cattle are accompanied by a certificate of inspection made by a duly qualified veterinary surgeon who is a graduate of a recognized veterinary college in the United States, Canada or Europe. Such certificate shall show, that at the time of said inspection and

within six months prior to shipment, said cattle had been subjected to tuberculin test and were free from tuberculosis or any other contagious disease of a malignant character, or in lieu of such an inspection certificate as above required, cattle shall upon request of the owner be shipped in quarantine to their first destination within the state, there to remain in quarantine under the direction of the local health officer until properly examined, at the expense of the owner, by an inspector duly appointed by the state live stock sanitary board.

2. *In case of the shipment into the state of cattle for purposes of immediate slaughter, such consignments being made to persons or firms engaged in the slaughter of animals for human food, the live stock sanitary board is hereby authorized to establish rules governing such importations that may prevent unnecessary delay to parties or firms in effecting such slaughter, and in case such cows, heifers or bulls are shipped into the state as feeders they shall be in quarantine and remain in such restraint until slaughtered or shipped out of the state..*

Section 1494—72. In case any animals are inspected outside 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 certificate shall contain an indorsement of the state veterinarian or some member of the live stock sanitary board or sanitary commission of such state, 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 1494—77. Any person or persons bringing into this state cattle that are not accompanied by a certificate of inspection as hereinbefore provided for, or failing to comply with the provisions of section \* \* \* 1494—73, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than \* \* \* *one hundred and fifty dollars, or by confinement in the county jail not less than ten nor more than sixty days.*

SECTION 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved June 17, 1909.