MASON'S

MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STATUTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED BY THE SUBSEQUENT LEGISLATION OF 1925 AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES 1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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It shall be the duty of the officer with whom such proclamation is filed as aforesaid, to forthwith publish a copy thereof (once) at the expense of his municipality, in a legal newspaper published in the town, village or city to which such proclamation relates, if such a paper is published therein, and if there be no newspaper published therein, then, to post a copy of such proclamation in three public places therein.

Proof of publication shall be made by affidavit of the publisher in the one case, and of posting, in the other, by the person posting the same, which affidavit shall be filed with the proclamation. Such proclamation shall be deemed effective and in full force five days after the publication or posting of copies thereof, as hereinbefore provided for, and shall remain in full force and effect for a period of time therein designated not exceeding six months, as shall be determined by the officer making such proclamation. ('13 c. 541 § 2) [4685]

5391. Permitting unmuzzled dogs to be at large—Penalty—It shall be unlawful for the owner or custodian of any dog to suffer or permit it to be at large either on the premises of the owner or elsewhere, within any city, village or town wherein and as to which any such proclamation shall have been made, during the time such proclamation is in force, unless such dog shall be effectively muzzled so that it cannot bite any other animal or any person.

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

Any person violating the provisions of this act shall be guilty of a misdemeanor. It shall be the duty of all peace officers and all health officers to make complaint of any known violation of this act. ('13 c. 541 § 3) [4686]

SUBJECTS FOR DISSECTION

5392. Delivery of bodies to medical schools—Except as otherwise provided in § 5393, the bodies of all persons dying within the state, and not claimed for burial within thirty-six hours after death, shall be delivered, by the person in charge thereof, for purposes of anatomical study. The deans of the medical colleges of the state shall appoint a committee to receive such bodies, which committee shall apportion the same to the several colleges according to the numbers of their students. Any body so received shall be surrendered on demand of a relative entitled to its possession. The remains of any such body, after it has answered the purposes aforesaid, shall be decently buried in a public cemetery, and the expense of transporting and burying such body shall be borne by the college receiving the same. (2152) [4687]

5393. What bodies excepted—No body shall be so delivered:

1. After it has been regularly interred;
2. After it has been claimed for burial or cremation by any person entitled to receive it for such purpose;
3. Without the consent of all known relatives of the person deceased;
4. If such person, in his last sickness, requested that his remains be buried;
5. If he died while detained as a witness, or under suspicion of crime; or
6. If by any provision of law another disposition thereof be required. (2153) [4688]

5394. Penalties—Every official or other person in possession or control of any such body shall forthwith notify the committee and deliver the same according to its request. If he fail to do either within a reasonable time, he shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars. Every person who shall use any such body for a purpose other than that contemplated herein, or who shall remove it from the state, or in any manner traffic therein, or refuse to deliver the same upon proper demand, shall be guilty of a gross misdemeanor. (2154) [4689]

CHAPTER 30

LIVE STOCK SANITATION

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5395. Sanitary board—The state live stock sanitary board, hereinafter called the board, or the state board, shall consist of five members, appointed by the governor, each for the term of five years and until his successor qualifies. One shall be a person selected and recommended by the Minnesota Live Stock Breeders' Association. Two shall be persons financially interested in the breeding of live stock in the state; and the other two practicing veterinarians and graduates of a regularly organized and recognized veterinary college. Appointments to fill unexpired terms shall be made from the classes to which the retiring members belonged. The board shall elect a president and a vice-president from among their number; also a veterinarian and graduate of a regularly organized and recognized veterinary college, not a member, to be its secretary and executive officer for a term of one year and until his successor qualifies. It may also employ, and dismiss at pleasure, an attorney and such other assistants as may be necessary in the performance of its duties. The compensation of the secretary and of the several employees shall be fixed and their duties prescribed, by the board. No member of the board shall receive any compensation for services as such, or as an employee thereof, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. (R. L. § 2155, amended '13 c. 160 § 1) [4690]

State Live Stock Sanitary Board continued. See § 53-42, herein.

162–184, 202+719, note under § 5421.

5396. Duties — Rules — Meetings — Annual report—The board shall protect the health of the domestic animals of the state, and carry out the provisions of this chapter; employing such means and making such rules and regulations as it may deem expedient to that end. It shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July and October. Officers shall be elected at the April meeting. The board shall report its proceedings and recommendations to the governor annually, which report shall be published by the state. (2156) [4691]

5397. Duty of local boards of health—All local boards of health shall assist the live stock board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals whenever directed so to do by the secretary or any member thereof. Two or more local boards may be required in emergencies to co-operate in rendering such assistance. When the rules of any local board conflict with those of the state board, the latter shall prevail. (2157) [4692]

5398. Authority of boards, etc.—The board, and also the local boards within their respective jurisdictions, may quarantine or kill any domestic animal infected with, or which has been exposed to, any such disease; but, before killing an animal solely on the ground that it has been exposed, a local board shall procure the authority of the state board. Said boards may regulate or prohibit the arrival in and departure from the state of animals so infected or exposed, and, in case of violation of any such regulation or prohibition, may detain any animal at its owner's cost. The state board may regulate or prohibit the bringing of domestic animals into the state, which, in its opinion, for any reason, may injure the health of live stock therein. All rules and regulations adopted by the board or by any local board under authority of this act shall be recorded in its minutes, and one week's published notice thereof shall be given. (2158) [4693]

Obligation of carrier bringing into state an animal afflicted with disease (109–64, 122+876).

5399. Reporting disease—Compelling testimony—Every person who knows or has reason to suspect that a contagious or infectious disease exists in any domestic animal shall immediately notify the local board of health. Within twenty-four hours after such board shall receive notice or have knowledge that any such animal is infected with, or has been exposed to, such disease, it shall give written notice thereof to the state board. Said board, or any member or authorized agent thereof, may examine under oath all persons believed to have knowledge of the existence or threatening of disease among domestic animals, and for this purpose may take depositions and compel witnesses to attend and testify. (2159) [4694]

5400. Killing—Owner to be notified—Autopsy—Appraisal—[Repealed.]

This section is repealed by Laws 1925, c. 230, § 3. See § 5403-1, herein.

5401. Live stock sanitary board to pay for condemned animals—Whenever the state live stock sanitary board shall have duly ordered the vaccination of any domestic animals because the premises whereon such animals are kept are infected with the virus of anthrax, and as a result of such treatment any or all of such animals shall die from vaccination anthrax as demonstrated by state laboratory findings; said live stock sanitary board shall pay to the owner the cash value of such diseased animals, the same to be determined by three competent, disinterested men, one appointed by the state, one by the owner, and a third by the first two.

Such appraisal shall in no case exceed $60.00 for a cow, $125 for a horse, $5.00 for a sheep, and $10.00 for a hog, except in the case of pure bred cattle, horses, sheep or swine, where the pedigree shall be proved by certificates of register from the herd books where registered, and in that case the maximum appraisal shall

not exceed $150.00 for a cow, $150 for a horse, $25.00 for a sheep, and $25.00 for a hog.

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the state live stock sanitary board to the auditor of the state, who shall draw a warrant on the state treasurer for the amount thereof. ('21 c. 181 § 1)

See '15 c. 337 as to payment of claims on file at date of act.

5402-03
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5402. Killing of animals afflicted with tuberculosis or glanders—Transportation to place of slaughter—Appraisal of and payment for animals ordered killed— Whenever the state live stock sanitary board (hereinafter called the board) shall decide upon the killing of an animal affected with the disease of tuberculosis or glanders, it shall notify the owner or keeper of such decision, when in the judgment of the board, such animal may be ordered transported for immediate slaughter by said board, through its executive officer to any abattoir where the United States Bureau of Animal Industry maintains inspection, or where the United States Bureau of Animal Industry or the board may establish field post mortem inspection, and said board shall pay all reasonable transportation and other charges connected with the transportation and slaughter of such animal.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board shall agree in writing with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three (3) competent disinterested men, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its cash value, taking into consideration the condition of the animal as to the disease and its present and probable effect on the animal.

Such appraisal shall in no case exceed sixty dollars ($60) for a cow and one hundred twenty-five dollars ($125.00) for a horse, except in the case of pure bred cattle and horses, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in that case the maximum appraisal shall not exceed one hundred and fifty dollars ($150.00).

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the board, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount due the owner. ('03, c. 352, § 13; amended '05, c. 115; '09, c. 401; '13, c. 148, § 1; '15, c. 114, § 1; '21, c. 485, § 1; '25, c. 230, § 1) [4696]

See '15, c. 337, as to payment of claims on file at date of act.

5403. Same—Inspection before killing—Appraisal of and payments to owners for animals killed—Eradication of foot and mouth diseases—(a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis or glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the state board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis or glanders, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds (2/3) of the remainder shall be paid to the owner by the state, except that in all cases where the Federal Bureau of Animal Industry compensates the owner for such animal, in whole or in part, then the amount of such compensation so received from the Federal Government shall be deducted from the amount of indemnity payable by the state; provided, however, that where cattle are so slaughtered from counties that at the time of the passage hereof had registered agreements with the board or belonged to owners who, prior to the passage hereof had signed and furnished to the board agreements for accredited herds, no deduction shall be made of the compensation so received from the Federal Government.

(b) The owner of any animal, as provided in this act, shall be entitled to indemnity therefore as herein provided, except in the following cases:

1. No indemnity shall be paid for steers.
2. Animals which have not been kept for one year, or since their birth in good faith, in the state.
3. Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and regulation of the board.
4. Animals diseased at time of arrival in this state.
5. Animals belonging to the United States.
6. Animals belonging to institutions maintained by state, county or municipality.
7. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession.
8. When the owner has received indemnity as a result of a former inspection or test and has thereafter introduced into his herd any animal which had not passed the tuberculin test.
9. Where the owner or agent has not complied with the rules and regulations of the board with respect to animals condemned.
10. When the condemned animals are not destroyed within 60 days, except in the case of tuberculosis, when they may be kept 150 days after they have been determined to be affected with tuberculosis and during such period have not been kept under quarantine and isolated from healthy animals, except in counties where the control of tuberculosis is under the area plan, then indemnity will not be paid unless all condemned animals are slaughtered within thirty (30) days after the test or condemnation.
11. No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis or glanders,unless the entire herd of which such affected live stock is a part, or from which such affected live stock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from such disease.
12. No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis or glanders, unless the owner has carried out the instructions and regulations of the board relating to the cleaning, disinfection and rendering the stables and premises in a sanitary condition, within thirty days from the time of removal of such animals from the premises, except when because of inclement weather or other extenuating circumstances, the time may be extended by the executive officer of the board.
13. No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, if the owner has fed milk or milk products derived from creameries and which have not been properly pasteurized as required by state laws and regulations.
14. If at any time the annual appropriation for payment of indemnities becomes exhausted as a result of the condemnation and slaughter of animals, the state live stock sanitary board shall discontinue making further official tests or to authorize such tests, with the exception that if an owner signs a waiver,

on blanks to be furnished by said board, for payment of indemnity for any animal that may be condemned as the result of a test and inspection, and releasing the state from any obligations to pay indemnity from any future appropriation.

(c) Whenever it is determined by the board that it is necessary to eradicate the dangerous, infectious, communicable foot and mouth disease among domestic animals in the state in co-operation with the United States Bureau of Animal Industry and to appraise and destroy animals affected with or which have been exposed to this disease, or to destroy property in order to remove the infection and complete the cleaning and disinfection of the premises or to do any act or incur any other expense reasonably necessary in suppressing this disease, the board may accept, on behalf of the state, the rules and regulations adopted by the United States Bureau of Animal Industry under authority of an act of congress, or such portion thereof deemed necessary, suitable or applicable, and co-operate with the United States Bureau of Animal Industry in the enforcement of such rules and regulations so accepted; or it may follow such procedure only as to quarantine or inspection or condemnation or appraisal or destruction or burial of animals, disinfection and other acts deemed by it reasonably necessary in the suppression of this disease as may be agreed upon and adopted by the board and representatives or authorized agents of the United States Bureau of Animal Industry, the total expense to be shared equally between the state and federal government.

The appraisals of animals affected with or exposed to foot and mouth disease, or contact animals shall be made by an appraisal board consisting of a representative of the board, a representative of the United States Bureau of Animal Industry and the owner of the animals or his representative, such appraisals, in writing and signed by the appraisers, to be made at the true market value of all animals.

Upon destruction and burial of such animals and the completion of the cleaning and disinfection of the premises, the state live stock sanitary board shall certify the appraisal to the auditor of the state, who shall draw a warrant on the state treasurer for one-half the amount thereof payable to the owner, and the remaining one-half of such appraisal to be paid by the federal government under said co-operative arrangement. (R. L. '05, § 2161, G. S. '13, § 4697; amended '21, c. 485, § 2; '23, c. 319, § 1; '25, c. 230, § 2)

Explanatory note—Laws 1925, c. 422, § 16 and Laws 1927, c. 439, § 29, contain the following provisions: "Provided, that when the above appropriations have been exhausted the Live Stock Sanitary Board shall not be required to make any further tests, any law to the contrary notwithstanding"

5403-1. Same—Laws repealed—Section 5400, General Statutes, 1923, and all acts and parts of acts inconsistent herewith, hereby are repealed. ('25, c. 230, § 3)

5403-2. Same—Partial invalidity of law—If any section, subsection, sentence or clause herein is invalid for any reason, such invalidity shall not affect the balance hereof. ('25, c. 230, § 4)

5403-3. Same—Indemnity payable subject to lien or mortgage on animals—Whenever any animal is condemned and killed by the State of Minnesota or any sub-division thereof, pursuant to law, and indemnity is provided therefor, and such animal is subject to a mortgage or other lien and written notice of such lien is given by the lienholder to the board or officer, whose duty it is to order payment of such indemnity, before such indemnity is ordered paid, then such lien shall attach to the indemnity to the same extent that it attached to the animal and the indemnity shall be payable to the owner and the lienholder.

Provided, that if the owner and lienholder shall execute and deliver to said board or officer, on blanks to be furnished by said board or officer, a written agreement providing for the distribution and payment of such indemnity, payment thereof shall be made as specified and directed in said agreement, a copy of which agreement shall be transmitted by said board or officer to the officer by whom payment is to be made; otherwise said indemnity shall be placed in the custody of the district court of the county in which the animal was condemned, in the manner provided by Section 9262, General Statutes 1923, for the deposit of moneys claimed adversely by two or more persons, and the state or sub-division thereof shall be relieved from further liability on account thereof. ('27, c. 274)

5404. Expenses of appraisal—The expense of autopsies and appraisals shall be defrayed by the state, except that, in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by him. The compensation of experts and appraisers shall be fixed by the state board, which board shall approve, before payment, all claims made under this chapter. No employee of the board shall receive any fee for acting as an expert or appraiser. (2162) [4698]

5405. Expenses of killing, etc.—Lien—The expense of killing and burial or destruction of a diseased animal, when the killing was ordered by any board, shall be borne by the town or incorporated place where the animal was kept. The expense of quarantine, when the animal is taken from the possession of its owner, shall be defrayed, four-fifths by the state, and one-fifth by the town or place. When such quarantined animal is left upon the premises of its owner or keeper, he shall bear the expense. When an animal is quarantined while being shipped into the state, the expense shall be borne by the owner or keeper. Whenever the owner or keeper of any animal becomes liable for any expense incurred by any board under this act, the board shall have a lien on such animal therefor, and may also maintain an action for the amount. (2163) [4699]

5406. Notice by owner—Penalty—During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of such animals may post upon the premises a notice forbidding all persons to enter any building or inclosure thereon in which animals are kept; and thereafter no person shall so enter, except a member or agent of the state board or of a local board of health. Every person violating the provisions of this section shall be guilty of a misdemeanor. (2164) [4700]

5407. Offences and penalties—Every person violating any provision of this chapter, or any rule or regulation made hereunder by the state board or any local board of health, or any order made by either under the authority of this chapter, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars, or imprisonment for thirty days. Any member of a local board who shall neglect or refuse to perform any duty imposed upon him by the provisions of this chapter or by the directions of the state board, or neglect or refuse to enforce the rules and regulations of said state board or the rules and regulations of a local board made hereunder, shall be guilty of a misdemeanor, the minimum punishment

whereof shall be a fine of twenty-five dollars; and each day's neglect or refusal to perform any duty imposed upon him under this chapter shall constitute a separate and distinct offence. (2165) [4701]

33 5408 — 303 **5408. Live stock detectives — Commissions from other states**—Any person duly commissioned by the governor of another state to act as a live stock detective may exercise his powers as such in this state, consistently with the laws thereof, upon paying a fee of five dollars and filing with the secretary of state:

1. His commission, or a certified copy thereof.

2. A bond to the state in the penal sum of two thousand dollars, approved by the secretary, and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property within the state, or other unlawful act done therein by him or by any of his deputies.

3. A stipulation that service upon such secretary of any summons, order, notice, or process in a civil action upon such bond shall be a sufficient service upon him or his deputies.

Thereupon the secretary of state shall issue certificates to him, and to not exceeding three deputies appointed by him, and for whose acts he shall be responsible, authorizing the holder to perform the duties herein referred to while such commission is in force. And each may seize and hold any animal which he may know or have reason to believe has strayed or been stolen from the state whence said commission issued. (2167) [4702]

5409. Inspection of imported live stock—Transportation companies—Certificate of health—That it shall be unlawful for any transportation company to bring into the state of Minnesota any horses, mules, asses, cattle, sheep or swine, for work, feeding, breeding or dairy purposes, unless such animals have been examined and found free from the following contagious diseases, to-wit: Glanders, farcy, tuberculosis, scabbies, maladie du coit, or any other contagious or infectious disease, which freedom from disease shall be established by a certificate of health signed by a state veterinarian or assistant state veterinarian of the state from which such shipment is made, or a veterinarian of the United States bureau of animal industry, or by a veterinarian acting under the order or direction of the live stock sanitary board of this state. The certificate of health and permit given by the above mentioned veterinarians shall be given in duplicate, the original of which shall be forwarded to the live stock sanitary board of Minnesota, and the duplicate given to the railroad or transportation company to be attached to the bill of lading for said animals; provided, that in the case of cattle over six months of age, to be used for breeding or dairy purposes, the non-existence of tuberculosis shall have been determined by the tuberculin test within thirty days preceding such importation, and certified by the veterinarian issuing the above mentioned certificate of health and permit. The tuberculin test shall not be demanded for cattle intended for exhibition at town, county, district or state fairs. ('07 c. 355 § 1) [4703]

1907 c. 355 does not violate Const. U. S. art. 1 § 8 (109-64, 122+876).

33 5410 — 33 **5410. Duty of transportation companies**—That in any case where the inspection certificate as required in the preceding section has not been obtained, transportation companies shall notify the live stock sanitary board and shall hold such animals at the first station within Minnesota where are suitable facilities for holding animals for inspection by the live stock sanitary board, such inspection to be made at expense of the owner. ('07 c. 355 § 2) [4704]

5411. Penalty for violation—Action for damages—Any transportation company, corporation or agent thereof, violating any of the provisions of this act, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be fined for each offense not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned for not more than one year. Such transportation company, corporation or agent shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of this act. Action may be brought in any county in the state in which said cattle are sold, offered for sale or delivered to purchaser, or anywhere they may be detained in transit. ('07 c. 355 § 3) [4705]

5412. Certain animals excepted—The provisions of this act shall not apply to cattle, hogs and sheep shipped to points within the state where the United States bureau of animal industry maintains inspection. ('07 c. 355 § 4) [4706]

5413. Tuberculin and mallein — Discrimination in distribution prohibited—That the live stock sanitary board of this state and all its officers are prohibited from making any distinction whatever in the furnishing and distribution of tuberculin and mallein among the licensed veterinarians of this state for use in making tests of cattle and horses. Said board shall furnish and distribute tuberculin and mallein to veterinarians in this state for such tests without regard to whether such veterinarians are graduates of a veterinary college or not. ('09 c. 445 § 1) [4707]

5414. Applications—Record, etc.—Said board shall keep a record of all applications by licensed veterinarians for tuberculin and mallein showing the name of applicant and date of receipt of application and amount desired, and shall furnish the same in the order of such applications without regard to whether the applicant is a graduate veterinarian or not. In case said board shall not have sufficient of such tuberculin or mallein to furnish all applicants for such, said board shall furnish the same pro rata among such applicants. ('09 c. 445 § 2) [4708]

5415. Penalty for violation—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('09 c. 445 § 3) [4709]

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5416. County Board to appropriate money for cattle testing—The boards of county commissioners of the several counties of this state are hereby authorized upon petition of a majority of the persons owning cattle in the county, as shown by the last preceding assessment roll in the auditor's office, to appropriate out of the funds of the county not otherwise appropriated, a sum of money not exceeding twenty-five cents per head of cattle for each tuberculin test that may be administered, until the percentage of tuberculous cattle within the county is reduced to meet the requirements of a "modified accredited area" as defined and approved by the United States Department of Agriculture and the State Live Stock Sanitary Board of Minnesota, for the purpose of aiding in the testing of cattle in the county for tuberculosis and of carrying out sanitary and quarantine regulations. When there are no funds available for such an appropriation, a tax shall be levied in a sufficient amount for the purpose, and after the levy thereof orders may be issued against such tax and in anticipation of its collection. All such money shall be expended under the direction and supervision of the State Live Stock Sani-

tary Board and shall be disbursed on vouchers verified by the executive officers of said board, and in cases where the United States Department of Agriculture, Bureau of Animal Industry, is a party to a co-operative agreement with the county for the control of tuberculosis in cattle, by the federal inspector in charge, as hereinafter provided. ('23 c. 269 § 1)

Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162–184, 202+719.

Act is valid. 166–498, 207+639.

5417. Live stock sanitary board to make tests—Thereafter such county board shall apply to the State Live Stock Sanitary Board for the testing of all cattle in the county on the "county area" plan, and it shall then become the duty of the State Live Stock Sanitary Board to enter into an agreement with the county commissioners of said county to cause the testing of all cattle in the county for tuberculosis, provided funds are available for the payment of indemnities as required by law, and provided also that an adequate force of veterinarians qualified to test cattle as required are available. Such agreement shall specify such quarantine rules and regulations as the State Live Stock Sanitary Board may deem advisable relative to the control of tuberculosis among cattle in such county. ('23 c. 269 § 2)

162–184, 202+719, note under § 5416.

Contracts entered into pursuant to this section are subject to such changes and alterations as the Legislature may see fit to thereafter make; and the county has no such proprietary interest in the subject-matter of the contract that it can invoke the constitutional protection against impairment of contracts either in its own behalf or in behalf of its cattle owners because of the changes wrought by chapter 230, Laws 1925, enacted after Lincoln county had entered into the contract here assailed. 210+635.

5418. Subsequent tests to be made without expense—After a county has been certified as a "modified accredited area," subsequent tests of cattle in the county and retests of infected herds shall be made in the discretion of the State Live Stock Sanitary Board, and such tests and retests shall be without expenses to the county. ('23 c. 269 § 3)

162–184, 202+719, note under § 5416.

5419. Federal aid—For the purpose of receiving federal aid, the United States Department of Agriculture, Bureau of Animal Industry, may be a party to the co-operative agreement between the State Live Stock Sanitary Board and the board of county commissioners. ('23 c. 269 § 4)

162–184, 202+719, note under § 5416.

5420. Counties may be certified as modified accredited area—When the percentage of tuberculosis cattle within a county is reduced to meet the requirements of a "modified accredited area," the State Live Stock Sanitary Board shall apply to the United States Department of Agriculture for a certification of said county as a "modified accredited area." ('23 c. 269 § 5)

162–184, 202+719, note under § 5416.

5421. Owners of cattle shall submit them for tests—Whenever a co-operative agreement as above referred to has been made, the owners of cattle in such county shall submit the same for tuberculin tests and physical examinations and shall cause to be slaughtered, under the direction of the State Live Stock Sanitary Board, within thirty days after the test or condemnation, all animals that react to the tuberculin test or are condemned after a physical examination. Each co-operative agreement, entered into for the tests of cattle, between a county, the State Live Stock Sanitary Board and the Bureau of Animal Industry, shall be registered and tuberculin tests shall be administered to the cattle in any county in the order of the registration of such agreements. Definite quarantine rules and regulations shall be adopted and enforced by the State Live Stock Sanitary Board within the area covered by the co-operative agreement. ('23 c. 269 § 6)

The statute is supplemental to prior laws, and as the quarantine regulations adopted are authorized by prior laws, violations of them are within the penalty provisions of such laws. 162–184, 202+719.

5422. Tuberculin and mallein — Sale — Report to board—Each and every druggist or vendor in drugs, wholesale or retail, or other person, who shall hereafter, in the state of Minnesota, sell, furnish or supply to any person any mallein or tuberculin shall on the same day of selling, furnishing or supplying the same, report to the live stock sanitary board, giving name or names of person or persons to whom he shall sell, furnish or supply such mallein or tuberculin, the amount sold, furnished or supplied and the name and place of residence, or business of each and every person for whom such mallein or tuberculin shall be purchased, sold, furnished or supplied. ('09 c. 272 § 1) [4710]

5423. Same—Penalty for violation—Every person or firm violating this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars, or imprisonment for thirty days. ('09 c. 272 § 2) [4711]

5424. Tuberculin and mallein, how used—Any person using or injecting tuberculin into bovine animals, or mallein into horses, which tuberculin or mallein has been obtained from the live stock sanitary board or city boards of health, for the purpose of determining whether or not such animals are afflicted with the disease known as tuberculosis in cattle or glanders in horses, shall take or supervise the taking of the temperatures of such animals before and after such injections according to the regulations prescribed by the live stock sanitary board. ('11 c. 79 § 1) [4712]

5425. Temperatures of animals, how reported—All temperatures shall be plainly written by the veterinarian or assistant on the blank for reporting tuberculin test, or blank for reporting mallein test, furnished by the live stock sanitary board, or by the board of health of any city, town or village requiring the tuberculin test of dairy cattle or mallein test of horses, and shall show the name of the owner and his address; name, age and full description of the animal and the time each temperature was taken, together with the correct statement of animal's temperature at each reading, which record of tuberculin or mallein test shall be sent to the board furnishing tuberculin or mallein. ('11 c. 79 § 2) [4713]

5426. Violation a misdemeanor—Any veterinarian or person failing to comply with the preceding sections, or in any way falsifying such record of tuberculin or mallein test, or failing to insert on such record the true temperature or placing thereon incorrect temperature readings, shall be guilty of a misdemeanor, and in addition suffer revocation of license to practice. ('11 c. 79 § 3) [4714]

5427. Price of hog cholera serum to be stated on each package—That the serum manufactured at the said plant shall be sold and distributed, as near as may be, at actual cost to any citizen who is a resident of this State and who applied for same as herein prescribed by the said state serum plant, and such selling price shall be stated on the package. ('15 c. 87 § 3)

Explanatory note—R. L. '13, §§ 4717 to 4720 (Acts 1913, c. 313, §§ 1 to 4) constituted the hog cholera serum

plant at the college of agriculture of the state university the hog cholera serum plant of the state of Minnesota, and provided for the sale, distribution, etc., of the serum produced thereat. Section 4717 (acts 1913, c. 313, § 1) read as follows: "The hog cholera serum plant, now existing and in use at the college of agriculture of the state university, is hereby designated and declared to be the hog cholera serum plant of the state of Minnesota The purpose of said institution shall be for the production, manufacture, and distribution of hog cholera serum, and for investigating the cause and means of preventing hog cholera." The title of Laws 1915, c. 87 read as follows: "An act to appropriate money for the enlargement of the hog cholera serum plant of the State of Minnesota in the Department of Agriculture of the State University and for the manufacture, sale and distribution of such serum vaccine or other biological products and prescribing regulations and conditions with reference thereto, and repealing Chapter 313, General Laws 1913." Sections 1 and 2, Laws 1915, c. 87 made appropriations for the plant, and have been omitted from these statutes as executed; section 6 was repealed by Laws 1923, c. 112, § 7 (see infra, § 5458); for sections 3, 4, 5, 7 and 8 see this section, and infra, §§ 5428 to 5431.

Sections carrying appropriations for hog cholera serum plant have expired by reason of expenditure and § 6 was expressly repealed by following act, '23 c. 112.

5428. Surplus serum may be sold outside of the state—Precautions to be taken—That surplus serum produced by said hog cholera serum plant above a reasonable reserve may be sold out of the state at not less than cost of production.

That in case of need said State serum plant shall be authorized to purchase hog cholera serum, vaccine or other biological products which are deemed reliable and may sell the same at approximate cost in the same manner and under the same regulations as prescribed for serum from the hog cholera serum plant of the State of Minnesota.

Provided further that the said State Serum Plant before selling or distributing any such hog cholera serum, vaccine or other biological products shall exercise all due precautions in purchasing from government licensed plants and shall conduct such inspection or tests of said hog cholera serum, vaccine or other biological products as may appear reasonably necessary to insure reliable preparation. ('15 c. 87 § 4)

5429. Veterinary division to establish stations in each county in the state—The Veterinary Division of the State University shall establish in each county of this State, as necessity may demand, one or more distributing centers where such serum, vaccine or other biological products shall be had for sale, and such serum may be administered by any person upon his own hogs, but no person, except licensed veterinarians, shall administer said serum upon the hogs of another unless authorized to do so by the State Live Stock Sanitary Board. Said Department of Agriculture shall provide instruction in the proper method of administering said serum. To persons who apply therefor and certify to the State Live Stock Sanitary Board for license, said persons when in the judgment of such Department they have qualified themselves therefor. ('15 c. 87 § 5)

5430. Moneys collected to be paid into operation fund—That all moneys collected from the sale of said hog cholera serum, vaccine or other biological products as provided in Sections three (3) and four (4) of this Act shall be paid into an operation and maintenance fund, and the same is hereby appropriated for the operation of the hog cholera serum plant of the State of Minnesota. ('15 c. 87 § 7)

5431. Inconsistent acts repealed—That all Acts and parts of Acts inconsistent with this Act are hereby repealed. ('15 c. 87 § 8)

5432. Duties of live stock sanitary board—It shall be the duty of the state live stock sanitary board of the state of Minnesota (hereinafter called the "board") and said board shall have power and authority to make and promulgate such rules and regulations governing the manufacture, sale and distribution of hog cholera serum, hog cholera virulent blood, hog cholera virus and other biological products for use upon domestic animals, as it deems necessary to maintain the potency and purity of such serum, virulent blood, virus and biological products. ('23 c. 112 § 1)

5433. Definitions—Wherever used in this act the word "person" shall include individuals, firms, partnerships, companies and corporations; the words "biological products" shall include and refer to hog cholera serum, virulent blood and virus; the word "manufacturer" shall include all persons engaged in the preparation in this state of biological products as herein defined, at any stage of the process; the word "dealer" shall include all persons other than manufacturers engaged in the sale, dispensation, or other distribution of biological products for profit, or who shall offer biological products for sale, dispensation, or other distribution for profit, whether as principal or agent, provided that a regularly licensed veterinarian who has in his possession biological products for use in the practice of his profession, but not for sale to other veterinarians or permit holders shall not be considered a dealer as herein defined. ('23 c. 112 § 2)

5434. Must have permit—No person shall manufacture, sell, offer for sale or otherwise distribute within the state any biological products unless he shall have been granted a permit by the board to manufacture or sell such products upon application as provided in this act. ('23 c. 112 § 3)

5435. Applications—Applications for permission to manufacture, sell or otherwise distribute biological products shall give the applicant's name, his place of business and such other information as may be required by the board. ('23 c. 112 § 4)

5436. Must have government license—Applications to manufacture biological products shall be accompanied by evidence satisfactory to the board that the applicant is the holder of a valid and unrevoked United States government license for the manufacture and sale of biological products. ('23 c. 112 § 5)

5437. Bonds—Applications for dealers' permits shall be accompanied by an undertaking on the part of the applicant faithfully to comply with the law and the rules and regulations of the board governing the warehousing, handling, sale and distribution of biological products, and by a bond to the state of Minnesota in the penal sum of five thousand dollars ($5,000) to be approved by the board for the use and benefit of all persons using the biological products sold by the permit holder, who may be damaged by reason of his negligence in the warehousing, handling or distribution of such products, and for the use and benefit of the state for all penalties adjudged against the principal thereon in any action instituted in the name of the state. ('23 c. 112 § 6)

5438. May recover damages from dealers—Any party damaged by the negligence of any dealer may recover damages against the dealer to the full amount suffered by such injured party by reason of negligence in the discharge of any of the duties imposed by this act or by the rules and regulations promulgated by the board thereunder or in the warehousing, handling, or distribution, as the case may be, of such biological products, and in the event of judgment being obtained upon any bond provided in this act the board may immediately revoke the permit issued, if in its judgment

the conditions warrant such revocation, and shall in any event require a further bond, the amount of the penalty upon which shall be such as to afford the same security to all persons entitled thereto as is provided in bonds originally filed, and upon failure to furnish such additional bond the said permit shall be thereby revoked without further action by the board. ('23 c. 112 § 7)

5439. May recover damages from manufacturers—Any party damaged by the negligence of a manufacturer may recover damages to the full amount suffered by such injured party, by reason of negligence of such manufacturer in the discharge of any duty imposed by this act or by the rules or regulations promulgated by the board thereunder or in the manufacture, warehousing, handling or distribution, as the case may be, of such biological products. ('23 c. 112 § 8)

5440. Premises to be inspected—Before the issuance of an original permit to any manufacturer or dealer the board may cause the premises upon which it is proposed to manufacture or sell biological products to be inspected, and shall make such requirements regarding the physical condition and sanitation of such premises as in its judgment are necessary to insure the maintenance of the potency and purity of said products; and such premises shall be subject to inspection at such time and in such manner as the board may consider proper and necessary to insure compliance with its rules and regulations and the statutes relative thereto. ('23 c. 112 § 9)

5441. Fee to accompany applications—A fee of twenty-five dollars shall accompany applications for manufacturer's permit for each plant where it is proposed to manufacture biological products, and a fee of fifteen dollars shall accompany applications for dealer's permit for each warehouse or distributing agency it is proposed to maintain. All permits shall be valid for one year from the date of issuance and renewals thereof shall be subject to like conditions, including fees, as are imposed in the case of original permits. ('23 c. 112 § 10)

5442. To make reports when required—All permit holders shall make such written report to the board as it may from time to time require. ('23 c. 112 § 11)

5443. Board may revoke licenses—The board upon notice and after hearing may revoke any manufacturer's or dealer's permit issued by it for violation of the terms and conditions under which it was issued. ('23 c. 112 § 12)

5444. Must hold government license—No biological products shall be sold, dispensed or otherwise distributed, or offered for sale, dispensation or other distribution, or be used in this state, except such as have been produced at a plant holding the United States government license for the manufacture of biological products. ('23 c. 112 § 13)

5445. Who may sell virus—No person shall sell, offer for sale or otherwise distribute or offer for distribution virulent blood or virus from cholera infected hogs other than to holders of valid permits to use the same. ('23 c. 112 § 14)

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5446. Must have permits to administer virus—Written permits to administer virulent blood or hog cholera virus in infected territory shall be issued by the Board to such persons as present satisfactory evidence that they are qualified to administer the same. The area within a radius of six miles from premises whereon hog cholera exists, or has existed within the preceding twelve months, shall constitute infected territory. Qualified licensed veterinarians may administer hog cholera virus in non-infected territory upon a receipt of a special permit to administer the same to hogs on an individual farm. All permits are subject to the quarantine regulations as provided by the live stock sanitary board. All permits issued may be cancelled by the board upon it appearing that the holder thereof is no longer a proper person to administer such hog cholera virus. ('23 c. 112 § 15)

5447. Schools of instruction — Provision shall be made by the secretary of the board for instruction in the use of serum and virus in each county not oftener than once each year, and he is hereby authorized and directed to make all necessary arrangements for such instruction at a convenient time and place, when there are seven (7) or more applicants, who are residents of the county, for such instruction. Persons who desire to avail themselves of such course of instruction shall make application to the county agent. ('23 c. 112 § 16)

5448. Applications for instruction — The county agent, or one of the applicants, in case there is no county agent, shall forward such applications to the Secretary of the Board who shall notify the extension department of the College of Agriculture, University of Minnesota at the University Farm, St. Paul, and said department shall within thirty days send competent instructors to such county to hold a school of instruction. Such instructor or instructors shall give all instructions and demonstrations necessary, and conduct reasonable examinations and immediately report to the board the names and addresses of the persons passing the examinations.

Upon receiving such report the board shall, upon the receipt of two dollars, issue a permit to each person having passed examination. This permit shall entitle its holder, to use virulent blood or hog cholera virus on his own hogs, in badly infected counties. This permit shall be good only for one year, but upon the payment of one dollar to the board, the board shall renew this permit for one year at the time without the applicant taking further examination.

Badly infected counties shall be counties that have so been designated by the Live Stock Sanitary Board, or counties that have reported to the Live Stock Sanitary Board at least five places in said county where hog cholera exists, or has existed during the last twelve months, and which has been diagnosed by a qualified licensed veterinarian.

All funds received under this act shall be placed to the credit of the Live Stock Sanitary Board for the purpose of carrying out the provisions of this Act. ('23 c. 112 § 17)

5449. Schools shall be held at University Farm—The board may hold such school of instruction at the University Farm at such times as they deem proper, and shall hold the same upon the application of ten (10) or more desiring to attend such schools and at such schools no fees shall be charged and permits shall be granted to those attending as provided in section 17, and the board shall hold two stated schools each year, one the first Monday of January and August respectively. ('23 c. 112 § 18)

5450. Samples may be seized—The board, or its duly authorized deputies, assistants or agents, may seize, at any time or place, for examination, samples of biological products manufactured or kept for use or sale within the state. ('23 c. 112 § 19)

5451. Powers of board—The board shall have power to seize, condemn or destroy any biological products which it deems unsafe for use. ('23 c. 112 § 20)

5452. Labels must not be defaced—No person shall remove or deface any label upon the bottles or packages containing any biological product, or change the contents from the original container except for immediate use. ('23 c. 112 § 21)

5453. Must not discriminate—Manufacturers and dealers shall sell hog cholera serum and virus to all permit holders without discrimination as to price or otherwise subject to the rules and regulations of the board. ('23 c. 112 § 22)

5454. Violations and penalties—It shall be unlawful for any person authorized under this act to manufacture, sell or distribute serum or virulent blood or virus, to grant any rebate, either directly or indirectly, to any person or to sell said products at any other than a uniform price to all persons, and any person violating the provisions of this section shall forfeit his license to manufacture or sell such products and the same shall not be renewed for a period of one year. ('23 c. 112 § 23)

5455. Rebates prohibited—Any regularly licensed veterinarian who shall receive or collect, directly or indirectly, any rebate or commission or compensation for the handling and sale or use of any hog cholera serum or virus other than his charges for services rendered in administering the same, unless said amount if requested is made known to the customer using the same in writing, shall be guilty of a misdemeanor. ('23 c. 112 § 24)

5456. Soliciting applications prohibited—It shall be unlawful for any person licensed as herein provided to *manufacture, sell or distribute hog cholera serum or* virus, directly or indirectly, or by his agents or employes or representatives to solicit or attempt to induce farmers or others to make application for examination as provided in section 16 or 17 hereof, or in any way to assist or be interested in procuring applicants for permits as herein provided. Any person violating the provisions of this section, shall forfeit his license granted under this act. Hogs treated by any person authorized to administer treatment by the provisions of this act shall be properly quarantined for a period of at least twenty-one (21) days, under the rules and regulations of the board. ('23 c. 112 § 25)

5457. Penalties for violations—Any person who shall violate any of the preceding provisions of this act, or any of the rules or regulations of the board legally promulgated, or who shall hinder or attempt to hinder the board or any duly authorized agent or official thereof in the discharge of his duty, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or in default of payment thereof, shall be imprisoned in the county jail for not less than thirty nor more than one hundred fifty days. ('23 c. 112 § 26)

5458. Inconsistent acts repealed — Chapter 100, Laws 1921, section 6 of chapter 87, Laws 1915, and all *acts or parts of acts inconsistent with the provisions* of this act are hereby repealed. ('23 c. 112 § 27)

5458-1. Purchase, sale, and distribution of hog cholera serum and virus by board—That the State Livestock Sanitary board, hereinafter called the board, hereby is authorized and directed from time to time as may be deemed necessary by the board, and within the limits of appropriations, to purchase through the commission of administration and finance, and maintain on hand a supply of hog cholera serum and virus for sale and distribution to persons who hold valid permits to administer the same, issued under the provisions of Sections 5432 to 5458, both inclusive, General Statutes, 1923. ('27, c. 250, § 1)

5458-2. Same—Persons to whom sold or distributed—That the board shall sell and distribute such hog cholera serum and virus to licensed veterinarians holding such permits, and also to holders of special permits to administer hog cholera serum and virus to hogs on their individual farms, in amounts sufficient for use on their own farms, and no more. ('27, c. 250, § 2)

5458-3. Same—Payment for—That such hog cholera serum and virus shall be so sold and distributed only for cash paid in advance and at prices sufficient to cover the cost of acquisition, storing, handling, selling and distributing, with a reasonable addition for overhead expenses, including the compensation of additional employes, if any, required for carrying out the provisions of this Act. ('27, c. 250, § 3)

5458-4. Same—Cold storage facilities—The board hereby is authorized to contract for the furnishing of cold storage facilities for the proper storage and refrigeration of such supply of hog cholera serum and virus, and to employ such additional employes, if any, as may be necessary for carrying out the provisions of this Act. ('27, c. 250, § 4)

5458-5. Same—Revolving fund—That a revolving fund hereby is created to be known as the hog cholera serum and virus revolving fund, comprised of all appropriations made available for carrying out the provisions of this Act and of all receipts from the sale and distribution by the board of hog cholera serum and virus, and all such appropriations and receipts *shall be and hereby are* placed to the credit of the board for carrying out the provisions of this Act, and shall be and hereby are appropriated therefor. ('27, c. 250, § 5)

5458-6. Same — Appropriation — That the sum of $30,000, available immediately and until expended, hereby is appropriated out of any moneys in the treasury not otherwise appropriated, to said board for the purpose of carrying out the provisions of the Act. ('27, c. 250, § 6)

5459. Sale of pure bred cattle—All persons selling pure bred cattle or cattle represented to be pure blooded, for any purpose other than immediate slaughter, shall, before delivery, make a report to the state live stock sanitary board on blanks furnished by the board on application, stating the number of cattle sold, their age and sex and to whom sold, and before delivery thereof such cattle shall be tested with tuberculin and a certificate of health be given by said live stock sanitary board or some person duly authorized by the board to the seller and purchaser. Provided, such certificate may be given without such test in case the cattle so sold shall have been tested within one year under the direction of the live stock sanitary board and pursuant to the laws of this state; provided further, that no certificate shall be required for animals under one year of age. ('09 c. 392 § 1, amended '21 c. 180 § 1) [4721]

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5460. Same—Penalty for violation—Any person who shall sell or dispose of any pure bred cow or bull for any purpose other than immediate slaughter without furnishing a certificate as stated in section 1 (5459) of this act, shall be guilty of a misdemeanor. ('09 c. 392 § 2, amended '21 c. 180 § 2) [4722]

5460-1. Testing of cattle before selling at public auction, mortgage foreclosure sale, or judicial sale—Exception—It is hereby declared unlawful for any person to sell or offer for sale any cattle at public auction, mortgage foreclosure sale or sale by order of any

court unless the same shall have been tested and found free of tuberculosis, provided the provisions of this act shall not apply to herds of cattle so located as not to be within 25 miles of a regularly licensed veterinary. ('25, c. 193, § 1)

5460-2. Same—Manner of testing—Such tests shall be made according to the rules and regulations of the State Live Stock Sanitary Board and a certificate of such test approved by the Board shall be exhibited to the purchaser by the vendor at the time of sale. ('25, c. 193, § 2)

5460-3. Same—Penalty—Any person violating the provisions of this act shall be guilty of a misdemeanor, and any auctioneer knowingly making any sale of cattle in violation of this act shall upon conviction forfeit his license as an auctioneer. ('25, c. 193, § 3)

5460-4. Testing of cattle for exhibition at fairs—It is hereby declared unlawful for any person to exhibit any cattle at state or county fairs or any public exhibition or shows unless the same shall have been tested and found free from tuberculosis. ('25, c. 340, § 1)

5460-5. Same—Manner of testing—Such tests shall have been made according to the rules and regulations of the State Livestock Sanitary Board and a certificate of such test approved by the Board shall be furnished before any cattle are permitted to enter the exhibition grounds or buildings. ('25, c. 340, § 2)

5460-6. Same—Penalty—Any person violating the provisions of this act shall be guilty of a misdemeanor. ('25, c. 340, § 3)

CHAPTER 30A

INSPECTION OF APIARIES

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5461. State inspector—Deputies—There shall be appointed by the governor a practical apiarist to be the state inspector of apiaries, who shall hold office two years or until his successor qualifies, and who shall have power within the limitations set out in section 12 [5471] of this act to appoint deputy inspectors as they may be required in the interest of time, economy or in emergency for inspection and treatment of apiaries in different parts of the state. The term "inspector" when used in this act includes deputy inspector unless otherwise specified. Vacancies in the office of state inspector of apiaries shall be filled for the unexpired term in the manner above prescribed for original appointment. ('11 c. 311 § 1) [4723]

Section 15 repeals 1907 c. 160.

Office of inspector of apiaries abolished, see § 53-26, herein.

5462. Duty of inspector—It shall be the duty of the state inspector to aid the development of the bee and honey industry and to adopt proper measures for the prevention and suppression of contagious diseases and infectious diseases among bees. ('11 c. 311 § 2) [4724]

5463. State inspector to inspect apiaries—The state inspector shall have authority at his discretion to visit and examine personally or by deputy any apiary for the purpose of ascertaining the existence, or the treatment or destruction of any disease among bees or brood; and for this or any other purpose within the scope of this act he may enter upon private property. When notified of the probable existence of contagious or infectious disease of bees or brood in any apiary he shall visit and examine said apiary personally or by deputy as he shall deem most expedient within thirty days from receipt of said notice. Wherever any contagious or infectious disease of bees or brood shall be found the inspector shall inspect all apiaries within a radius of three miles of said apiary of which he is able to learn by diligence. After inspecting any apiaries or appurtenances thereof of bees or brood in which contagious or infectious disease has been found he shall thoroughly disinfect every portion of his person and clothing and every tool and appliance used by him that may have been in contact with infected material, and shall cause every assistant with him to do likewise. No person shall refuse to assist in the inspection and in the necessary treatment or destruction of his infected brood, bees, honey or appurtenances, nor shall any person impede, hinder or obstruct an inspector in any of his duties. ('11 c. 311 § 3, amended '21 c. 517 § 1) [4725]

5464. Diseased bees declared nuisance—Abatement—All bees, brood and apiary appurtenances, infected with any contagious or infectious diseases which, after inspection by an inspector, who is hereby made sole judge of the character thereof, shall have been declared by him to be incurable according to his best judgment, and which appurtenances cannot be successfully disinfected, and is liable to spread disease, are hereby declared and adjudged to be public nuisances, and subject to abatement as such according to law. The inspector or deputy shall also cause said bees or brood or apiary appurtenances to be immediately destroyed by fire under his personal supervision, and the owner thereof and the person in charge of the same is hereby required to assist him in said work and to carry out such destruction according to his directions. ('11 c. 311 § 4) [4726]

5465. Treatment of diseases—Wherever in the judgment of the inspector or his deputy it shall be practicable to cure the diseases or any of them which shall be found in any apiary, by treatment, he may order the bees and apiary appurtenances affected therewith to be treated for twenty-one days or until cured. Whenever treatment shall be so ordered the owner and the person in charge of said bees or appurtenances shall carry out proper treatment as prescribed. The inspector shall also inspect such diseased apiaries a second time after twenty-one days when he shall cause all bees, brood and appurtenances and honey in which the disease shall be found not to have been cured to be destroyed as in section 4 [5464] hereof so far as may

be necessary to prevent the spread of the disease; and wherever said property shall be so destroyed the owner thereof shall receive no compensation therefor. ('11 c. 311 § 5) [4727]

5466. Bees to be transferred to hives—The state inspector or his deputies at his discretion may order the owner or the person in charge of bees dwelling in log gums, boxes or other receptacles in which the combs are stationary, to transfer said bees to hives wherein the combs shall be movable. In default of such transfer said bees and all the articles in which they are contained are declared to be a public nuisance and shall be disposed of according to section 4726, General Statutes of Minnesota 1913. ('11 c. 311 § 6, amended '21 c. 517 § 2) [4728]

5467. Bees or products not to be shipped without permit—(a) No person shall sell, barter, offer for sale or barter, move, transport, deliver, ship or offer for shipment, any apiary, bees, comb, or used beekeeping appliances without a permit from the inspector of apiaries; or in lieu thereof, if shipped or transported from without the state, a certificate duly issued by the official state inspector showing that said apiary, bees, comb or appliances have been inspected and found not infected with any contagious or infectious disease of bees. Such permit, or copy of such certificate shall be affixed to the outside of every package, box, crate or bundle containing bees, comb or used beekeeping appliances. The inspector may refuse such permit whenever such refusal is necessary, in his judgment, to prevent the dissemination of any contagious or infectious disease of bees, or until after he finds by inspection that the said apiary, bees, comb or appliances are not infected with any such disease.

(b) No person shall accept for shipment, ship or transport, any such bees, comb or used beekeeping appliances unless such permit or certificate is affixed on the outside of the package, box, crate or bundle containing the same; and the inspector or any of his deputies may forthwith seize and destroy any such shipment found at any time or place without such permit or certificate affixed as aforesaid.

(c) The use of any invalid or altered permit or certificate and the misuse of any valid permit or certificate are hereby prohibited.

(d) No person shall expose in any place to which bees have access, any bee product, hive or other apiary appliance in such manner that contagious or infectious diseases of bees could be disseminated therefrom.

(e) Any person who knows that any bees owned, possessed or controlled by him are infected with any contagious or infectious disease shall at once report such fact to the inspector of apiaries, stating all other facts known to him with reference to said contagion or infection.

(f) The words "person" and "owner" as used in this act include natural persons, firms, associations and corporations; and any person who, himself, or by his agent or employe or as agent or employe for another violates any provision of this act, or any regulation or order made in pursuance thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars. ('11 c. 311 § 7, amended '21 c. 517 § 3) [4729]

5468. Queen bees, etc.—Any person engaged in the rearing of queen bees shall have his queen-rearing apiary inspected at least three times each summer season; on the discovery of the existence of any contagious or infectious disease in the bees, brood or appurtenances of said apiary he shall cease to sell or give away any queen bees from said apiary until it shall have been declared free from disease by an inspector after inspection thereof. Candy used in mailing cages of queen bees shall be made from honey which has been boiled thirty minutes or more. Any person violating this section shall be guilty and liable as prescribed in section 7 [5467] of this act. ('11 c. 311 § 8) [4730]

5469. Affidavits—Whenever destruction or treatment of any bees or apiary appurtenances shall have been ordered the state inspector may require the owner or person in charge of said property to file an affidavit with him that the destruction or treatment has been carried out effectually. ('11 c. 311 § 10) [4732]

5470. Meaning of "apiaries"—Apiaries within the meaning of this act shall mean any place where one or more hives or colonies of bees are kept. ('11 c. 311 § 11) [4733]

5471. Compensation of inspector and deputies—The state inspector shall receive a salary of fifteen hundred dollars ($1,500.00) per annum in equal monthly payments, and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. Deputy inspectors shall each receive six dollars ($6.00) per day for each day actually spent in the performance of his duties. The total expenses of the office, including salaries and compensation of all employes, shall not exceed the appropriation therefor. ('11 c. 311 § 12, amended '19 c. 100 § 1) [4734]

5472. Annual report—Record—The state inspector shall make an annual report to the governor stating the number of apiaries inspected, and the number where disease shall be found, the number of colonies treated, cured and destroyed, an itemized expense account of his deputies, and such other information as he may deem important to the state and of value to the art of apiculture. This report shall be printed by the state printer and copies thereof sent by the state inspector of apiaries to the members of the Minnesota beekeepers' association and to all in the state who may apply for it. He shall also keep a record of all apiaries and the location thereof in which contagious or infectious disease shall be found within the last year of his office and turn the same over to his successor. ('11 c. 311 § 13) [4735]

5473. Oath and bond—The state inspector of apiaries shall take the usual oath of office and give bonds in the sum of two thousand dollars for the faithful discharge of his duties. ('11 c. 311 § 14) [4736]

1940 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the *1929, 1931, 1933, 1935, 1937* and *1939* General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

Edited by

William H. Mason

Assisted by

The Publisher's Editorial Staff

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5394-2. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Mar. 19, 1931, c. 77, §2.)

5394-3. Definitions.—The word "person" as used herein shall include individuals, copartnerships, or corporations, and shall include persons hauling under contract or agreement with any municipal corporation or board or commission thereof, and any employe of such contractor, or of such municipality, board or commission. (Act Mar. 19, 1931, c. 77, §3.)

5394-4. Application.—This act applies only in all counties of this state having a population of over 500,000 inhabitants. (Act Mar. 19, 1931, c. 77, §4.)

CHAPTER 30

Live Stock Sanitation

5402. Diseased horses and cattle to be killed—Rate of compensation to owner.—Whenever the State Live Stock Sanitary Board (hereinafter called the board) shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, or glanders, or Bang's disease, it shall notify the owner or keeper thereof of such decision and when in the judgment of the board, such animal may be ordered transported for immediate slaughter by said board, through its executive officer to any abattoir where the United States Bureau of Animal Industry maintains inspection, or where the United States Bureau of Animal Industry or the board may establish field post mortem inspection, and the owner shall receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of of the owner, the representative or authorized agent of the board shall agree in writing with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three (3) competent disinterested men, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its cash value, taking into consideration the condition of the animal as to the disease and its present and probable effect on the animal.

Such appraisal shall in no case exceed $100 for a cow and $125 for a horse, except in the case of pure bred cattle and horses where the pedigree shall be proved by certificates of registration from the herd books where registered, and in which case the maximum appraisal shall not exceed $200.00.

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the board, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount due the owner. ('03, c. 352, §13; '05, c. 115; '09, c. 401; G. S. '13, §4696; '13, c. 148, §1; '15, c. 114, §1; '21, c. 485, §1; '25, c. 230, §1; Feb. 20, 1929, c. 35, §1; Feb. 28, 1935, c. 32; Apr. 8, 1939, c. 171, §1.)

Money appropriated by legislature in 1935 for expense of Bang's disease may be used to pay indemnity for cattle condemned because affected with such disease. Op. Atty. Gen. (293B-1), April 13, 1939.

5403. Same—Inspection before killing—Appraisal of and payments to owners for animals killed—Eradication of foot and mouth diseases.—(a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, Bang's disease, nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, glanders, or Bang's disease, *the value of the net salvage of the carcass shall be* deducted from the appraised value of the living animal; provided that in no case shall any payment be more than $15.00 for grade females or more than $30.00 for any purebred animal, nor, in case of joint payments on the part of the Federal government or any other agency, shall compensation from all sources aggregate more than $15.00 for grade females or more than $30.00 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful rules and regulations of the board; and provided further that two-thirds of the appraised value of any horse slaughtered as provided herein shall be paid to the owner thereof by the state after disposal of the carcass of said horse as directed by the board.

(b) The owner of any animal, as provided in this act, shall be entitled to indemnity therefor as herein provided, except in the following cases:

1. Indemnity shall not be paid for steers or grade bulls.
2. Animals which have not been kept for one year, or since their birth in good faith, in the state.
3. Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and regulation of the board.
4. Animals diseased at time of arrival in this state.
5. Animals belonging to the United States.
6. Animals belonging to institutions maintained by state, county or municipality.
7. Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession, or when the owner shall have been guilty of negligence by wilfully exposing his animal or animals to Bang's disease, or if the animals have been injected with live Bang's disease organisms in the form of so-called Bang's disease vaccines.
8. When the owner has received indemnity as a result of a former inspection or tests and has hereafter introduced into his herd any animals which theretofore had not passed the tuberculin or Bang's disease test.
9. Where the owner, agent, or person in possession of said animal has not complied with the rules and regulations of the board with respect to animals condemned.
10. When the condemned animals are not destroyed within 15 days after date of appraisal, except that in extraordinary circumstances and in meritorious cases and at the discretion of the secretary and executive officer of the board, said time limit of 15 days may be extended an additional 15 days, provided, however, that the owner receives permission to do so from the said secretary and executive officer within 15 days of date of appraisal.
11. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, paratuberculosis, glanders, or Bang's disease, unless the entire herd of which such affected livestock is a part, or from which such affected livestock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from such disease.
12. No indemnity or compensation shall be paid for *the destruction of any livestock affected with tuber*culosis, paratuberculosis, glanders, or Bang's disease, unless the owner has carried out the instructions and regulations of the board relating to the cleaning, disinfection and rendering the stables and premises in a sanitary condition, within 15 days from the time of removal of such animals from the premises, except when because of inclement weather or other extenuating circumstances, the time may be extended by the executive officer of the board.

13. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, paratuberculosis, or Bang's disease, if the owner has fed milk or milk products derived from creameries and which have not been pasteurized as required by state laws and regulations.

14. If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the state livestock sanitary board shall discontinue making further official tests or to authorize such tests, with the exception that if an owner signs a waiver, on blanks to be furnished by said board, for payment of indemnity for any animals that may be condemned as the result of a test and inspection, and releasing the state from any obligation to pay indemnity from any future appropriation.

15. When the owner is a non-resident and neither he nor his duly authorized agent or agents are engaged in breeding livestock in this state.

(c). Whenever it is determined by the board that it is necessary to eradicate the dangerous, infectious, communicable foot and mouth disease among domestic animals in the state in co-operation with the United States Bureau of Animal Industry and to appraise and destroy animals affected with or which have been exposed to this disease, or to destroy property in order to remove the infection and complete the cleaning and disinfection of the premises or to do any act or incur any other expense reasonably necessary in suppressing this disease, the board may accept, on behalf of the state, the rules and regulations adopted by the United States Bureau of Animal Industry under authority of an act of Congress, or such portion thereof deemed necessary, suitable or applicable, and co-operate with the United States Bureau of Animal Industry in the enforcement of such rules and regulations so accepted; or it may follow such procedure only as to quarantine or inspection or condemnation or appraisal or destruction or burial of animals, disinfection and other acts deemed by it reasonably necessary in the suppression of this disease as may be agreed upon and adopted by the board and representatives or authorized agents of the United States Bureau of Animal Industry, the total expense to be shared equally between the state and federal government.

The appraisals of animals affected with or exposed to foot and mouth disease, or contact animals shall be made by an appraisal board consisting of a representative of the board, a representative of the United States Bureau of Animal Industry and the owner of the animals or his representative, such appraisals, in writing, and signed by the appraisers, to be made at the true market value of all animals.

Upon destruction and burial of such animals and the completion of the cleaning and disinfection of the premises, the state livestock sanitary board shall certify the appraisal to the auditor of the state, who shall draw a warrant on the state treasurer for one-half the amount thereof payable to the owner, and the remaining one-half of such appraisal to be paid by the federal government under such co-operative arrangement. (As amended Feb. 20, 1929, c. 35, §2; Apr. 8, 1939, c. 171, §2.)

Laws 1929, c. 35, §2, amends subd. (a) of this section. Section 3 of the same act repeals subdivision 1 of paragraph (b).

5403-4. Unlawful acts—Penalties.—In shall be unlawful for any veterinarian, who is an agent or representative of the state livestock sanitary board, or any other public official to suggest, recommend, or in any manner endeavor to influence or seek to persuade the owner of any animal affected with any disease set forth in Mason's Minnesota Statutes of 1927, Section 5402, as amended by Laws 1929, Chapter 35, and by Laws 1935, Chapter 32, either directly or indirectly to sell, barter, exchange, ship or otherwise dispose of such animal to any particular person, firm, association, corporation or any combination thereof; and any person violating any of the provisions of this act shall be guilty of a gross misdeameanor. (Act Apr. 8, 1939, c. 171, §3.)

5408. Live stock detectives.—Any person duly commissioned by a governor, or the Livestock Commission, or any other proper authority of another state to act as a live stock detective may exercise his powers as such in this state, consistently with the laws thereof, upon paying a fee of five dollars and filing with the secretary of state:

1. His commission, or a certified copy thereof.

2. A bond to the state in the penal sum of two thousand dollars, approved by the secretary, and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property within the state, or other unlawful act done therein by him or by any of his deputies.

3. A stipulation that service upon such secretary of any summons, order, notice, or process in a civil action upon such bond shall be a sufficient service upon him or his deputies.

Thereupon the secretary of state shall issue certificates to him, and to not exceeding three deputies by him, and for whose acts he shall be responsible, authorizing the holder to perform the duties herein referred to while such commission is in force. And each may seize and hold any animal which he may know or have reason to believe has strayed or been stolen from the state whence said commission issued. (R. L. '05, §2167; G. S. '13, §4702; Apr. 17, 1933, c. 303.)

5409. Transportation of animals or fowls into State forbidden—exceptions.—That it shall be unlawful for any transportation company, owners or drivers of trucks for hire, or private trucks, person or persons to bring into the state of Minnesota or to drive or lead over the highways into this state, any animals or poultry, for work, feeding, breeding or dairy purposes, except in compliance with the rules and regulations now or hereafter adopted by the live stock sanitary board. ('07, c. 355, §1; G. S. '13, §4703; Feb. 28, 1935, c. 31, §1.)

5410. Transportation companies to hold livestock and poultry.—That in any case where the rules and regulations of the livestock sanitary board have not been complied with, transportation companies shall notify the Live Stock sanitary board and shall hold such animals and/or poultry at the first station within Minnesota where are suitable facilities for holding animals and/or poultry for inspection by the live stock sanitary board, such inspection to be made at the expense of the owner. ('07, 355, §2; G. S. '13, §4704; Feb. 28, 1935, c. 31, §2.)

5411. Violation a gross misdemeanor.—Any transportation company, corporation or agent thereof, or owners or drivers of trucks for hire, private trucks, person or persons violating any of the provisions of this Act, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be fined for each offense not less than $500.00, nor more than $1000.00, or be imprisoned for not more than one year. Such transportation company, corporation or agent or owners or drivers of trucks for hire, private trucks, person or persons shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of this act. Action may be brought in any county in the state in which said cattle are sold, offered for sale or delivered to purchaser, or anywhere they may be detained in transit. ('07, c. 355, §3; G. S. '13, §4705; Feb. 28, 1935, c. 31, §3.)

5412. [Repealed.]

Repealed. Laws 1935, c. 31, §4.

5416. County board may appropriate money for cattle testing.—The boards of county commissioners of the several counties of this state may, in their discretion, and upon petition signed by cattle owners residing therein equal in number to a majority of the

cattle owners within the county, as shown by the last preceding assessment roll, shall, immediately or at the next meeting of the board of county commissioners, enter into an agreement with the State Live Stock Sanitary Board for the testing of all cattle in the county on the "county area" plan, and shall also appropriate out of the funds of the county not otherwise appropriated, a sum of money not exceeding twenty-five cents per head of cattle for each tuberculin test that may be administered, until the percentage of tuberculous cattle within the county is reduced to meet the requirements of a "modified accredited area" as defined and approved by the United State Department of Agriculture and the State Live Stock Sanitary Board of Minnesota, for the purpose of aiding in the testing of cattle in the county for tuberculosis and of carrying out sanitary and quarantine regulations. When there are no funds available for such an appropriation, a tax shall be levied in a sufficient amount for the purpose, and after the levy thereof orders may be issued against such tax and in anticipation of its collection. All such money shall be expended under the direction and supervision of the State Live Stock Sanitary Board and shall be disbursed on vouchers verified by the executive officers of said board, and in cases where the United States Department of Agriculture, Bureau of Animal Industry, is a party to a cooperative agreement with the county for the control of tuberculosis in cattle, by the federal inspector in charge, as hereinafter provided; provided that, in counties where petitions for the tuberculin test of cattle have been heretofore filed with the boards of county commissioners as herein provided, and in which the boards of county commissioners have not entered into an agreement with the State Live Stock Sanitary Board for the testing of all the cattle in the county, the boards of county commissioners of such counties shall, upon petition of one hundred or more resident cattle owners, forthwith enter into such contract and otherwise in all things comply with the provisions of this act. ('23, c. 269, §1; Apr. 25, 1931, c. 360, §1.)

Law does not delegate legislative power in commanding its enforcement by county board only upon certain conditions. State v. Board of Comn'rs, 186M524, 243NW851. See Dun. Dig. 1599.

Title held germane to subject matter. State v. Board of Com'rs, 186M524, 243NW851. See Dun. Dig. 8920.

Act is constitutional. State v. Board of Com'rs, 243NW 851.

Vouchers issued by the Live Stock Sanitary Board and the federal inspector are insufficient to authorize the county auditor to issue warrants without approval of the county board, but no warrants may be issued in excess of levy of tax for the purpose, but the county board may be compelled to include a sufficient levy to pay the bills in the next years levy. Op. Atty. Gen., Dec. 10, 1929.

Levy under this section is not subject to the seven mill limit prescribed by §2060-1. Op. Atty. Gen., May 31, 1930.

Persons who own cattle but whose names do not appear upon the assessment roll as owning cattle may sign the petition and be counted. Op. Atty. Gen., Feb. 20, 1931.

Persons signing petition for a tuberculin test under the county area plan have a right to withdraw their names therefrom, and petitioners who sign a remonstrance thereby withdraw their names. Op. Atty. Gen., July 2, 1931.

The 1931 amendment applied to petitions for a tuberculin test under the county area plan where presented to the board after the amendment, though signed prior thereof. Op. Atty. Gen., July 2, 1931.

The live stock sanitary board cannot legally refuse to slaughter and pay indemnity for cattle that re-act to the tuberculin test or which are affected with the disease, just because such cattle are located in counties in which the county boards have not executed co-operative agreements with the board. Op. Atty. Gen., Sept. 28, 1931.

A county commissioner who is a veterinarian may not test cattle for tuberculosis on the county area plan, though carried out under livestock sanitary board. Op. Atty. Gen., July 12, 1933.

Levy for tuberculosis tests may be made before July meeting. Op. Atty. Gen., Jan. 30, 1934.

5417. Live stock sanitary board to make test.—The State Live Stock Sanitary Board shall enter then into an agreement with the county commissioners of said county to cause the testing of all cattle in the county for tuberculosis, provided funds are available for the payment of indemnities as required by law, and provided also that an adequate force of veterinarians qualified to test cattle as required are available. Such agreement shall specify such quarantine rules and regulations as the State Live Stock Sanitary Board may deem advisable relative to the control of tuberculosis among cattle in such county. ('23, c. 269, §2; Apr. 25, 1931, c. 360, §2.)

Op. Atty. Gen., Sept. 28, 1931; note under §5416.

Persons employed by State Livestock Sanitary Board under this act are state "employees" within the Workmen's Compensation Law. 179M425, 229NW560.

County is liable for applying tuberculin test to cattle owned by non-residents, pastured in the county. Op. Atty. Gen., Aug. 4, 1930.

5418. Subsequent test to be made without expense.—After a county has been certified as a "modified accredited area," subsequent tests of cattle in the county and retests of infected herds and any and all retests necessary to keep and maintain said area free from bovine tuberculosis as herein required for a "modified accredited area" shall be made in the discretion of the State Live Stock Sanitary Board, and such tests and retests shall be without expense to the county. ('23, c. 269, §3; Apr. 25, 1931, c. 360, §3.)

5429. Veterinary division to establish stations in each county in the state.

Vaccination of hogs was negligently performed in that there was either an insufficient amount of serum used or that serum lost its potency because of failure to keep at proper temperature. Ziegler v. D., 204M156, 283NW 134. See Dun. Dig. 7487.

5432. Duties of live stock sanitary board.

This act saved from repeal by Laws 1937, c. 119, §15, *post*, §5851-15.

5434. Must have permit.

Each distributing agency of a commercial biological house shall have a permit, and such a concern may not place its products in retail stores even though they be acting as agents for it unless each has a permit. Op. Atty. Gen. (293B), June 5, 1939.

5441. Fee to accompany applications.

Each distributing agency of a commercial biological house shall have a permit, and such a concern may not place its products in retail stores even though they be acting as agents for it unless each has a permit. Op. Atty. Gen. (293B), June 5, 1939.

5446. Must have permits to administer virus.—No person shall use or administer virulent blood or hog cholera virus within this state unless he shall have been granted a permit by the board authorizing him to use or administer the same. Such permits shall be in writing and shall be issued only to such persons as in the opinion of the board are qualified to administer the same and shall only be used or administered in infected territory. The area within a radius of six miles from premises whereon hog cholera exists, or has existed within the preceding twelve months, shall constitute infected territory. Qualified licensed veterinarians may administer virulent blood or hog cholera virus in non-infected territory upon receipt of a special permit to administer the same to hogs on an individual farm. All permits shall require the holders thereof to comply with all quarantine regulations of the board and may be cancelled by the board upon it appearing that the holder thereof is no longer a proper person to administer such virulent blood or hog cholera virus. ('23, c. 112, §15; Feb. 23, 1929, c. 36.)

5459. [Repealed.]

Repealed. Laws 1935, c. 27.

5460. [Repealed.]

The repeal of §5459, on which this section depends, probably works an implied repeal of this section.

5460-1 to 5460-3. [Repealed].

Repealed Feb. 20, 1929, c. 33, §5.

Act Feb. 27, 1935, c. 26, repeals Laws 1929, c. 33, which repealed these sections. In view of §10930 the repealed sections are not revived.

5460-3½ to 5460-3½c. [Repealed.]

Consisted of Act Feb. 20, 1929, c. 33.

Repealed. Laws 1935, c. 26.

POULTRY

5460-7. Poultry breeding board created.—For the purpose of fostering the development of the poultry industry of the state of Minnesota, particularly through the improvement of breed type and productiveness of poultry flocks and through the control and eradication of infectious and communicable diseases and for the further purpose of affording protection to buyers of poultry breeding stock by providing and indicating dependable sources from which poultry may be purchased, there is hereby created a body to be known as the Minnesota Poultry Improvement Board which shall be constituted as follows: The Commissioner of Agriculture, Dairy and Food of the State of Minnesota, the Chief of the Poultry Division of the College of Agriculture, University of Minnesota, the secretary and executive officer of the State Livestock Sanitary Board and two other members who shall be competent and experienced poultrymen and who shall also be owners and operators of commercial poultry hatcheries to be appointed by the governor of the state of Minnesota each for terms of three years and until their successors qualify; provided, however, that, of the first two appointments of hatchery owners after the passage of this act, one shall be appointed for a two year term only. (Act Apr. 25, 1931, c. 408, §1.)

5460-8. Board to serve without compensation.—The members of the Minnesota Poultry Improvement Board shall serve without compensation as such, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. Within 30 days after this act goes into effect the board shall meet and elect a president and a vice president and do such other things as are needful to initiate the work provided for in this act. The board shall hold quarterly meetings at the seat of government on the first Tuesday after the first Monday in January, April, July and October. Officers shall be elected at the April meeting. Special meetings may be held upon the call of the president of the board. Three members shall constitute a quorum. (Act Apr. 25, 1931, c. 408, §2.)

5460-9. Powers and duties.—The Minnesota Poultry Improvement Board shall have power to employ a secretary and executive officer, not a member of the board, for a term of one year and until his successor qualifies. The said secretary and executive officer shall be a competent and experienced poultryman. The board may also employ and dismiss at will such other persons as are necessary to carry out the provisions of this act and to fix all salaries and to provide for expenses generally not inconsistent with law. The board is further authorized and directed to formulate and adopt a plan or plans whereby owners of poultry hatcheries may be accredited and certified such flocks culled, inspected and supervised to the end that such flocks may be accredited and certified for standard type and egg production; and likewise poultry hatcheries may be accredited and certified as as hatching and selling stock produced only from accredited and certified flocks. The board is further authorized to make, publish and enforce rules and regulations to these ends not inconsistent with law and to define, prescribe and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The board is further authorized to adopt the STANDARD BREEDING PLAN of accreditation and certification sponsored by the United States Department of Agriculture or any other plan sponsored by said department and to cooperate with said department in matters of poultry improvement. The board is further authorized to prescribe and collect fees for inspection and supervision and to prescribe and furnish labels, leg bands and certificates of accreditation and certification and such other supplies as may be necessary and to prescribe and collect fees for the same. The board is further authorized to do such other things as it may deem needful and expedient to improve poultry breeding and practices and to give effect to this act. (Act Apr. 25, 1931, c. 408; §3.)

Board has authority to spend funds for broadcasting educational radio programs. Op. Atty. Gen. (294), March 9, 1939.

5460-10. Advertising.—Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the board in their literature and advertising and on shipping labels, provided that the board may by regulation require the submission of all or any part of such literature and advertising matter to it for review and approval before publication or issuance. (Act Apr. 25, 1931, c. 408, §4.)

5460-11. Disposition of fees.—All fees collected under this act shall be deposited in the state treasury and shall be placed in a special fund to be known as the "Poultry Improvement Board Fund," available for and from which expense of the board in carrying out this act shall be paid. (Act Apr. 25, 1931, c. 408, §5.)

5460-12. To cooperate with the state livestock sanitary board.—The State Livestock Sanitary Board shall cooperate with the Minnesota Poultry Improvement Board in all ways consistent with law, provided that the State Livestock Sanitary Board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. And the State Livestock Sanitary Board is hereby authorized to formulate, adopt and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the said board, have such flocks examined, tested and officially designated as tested, approved or accredited free from bacillary white diarrhea, tuberculosis or other communicable infectious diseases when and as approved methods for official testing for such other diseases may be adopted by the said board; provided there are necessary personnel and available funds appropriated for the use of the said board in making such tests and inspections. In order to distinguish eradication of specific diseases, the abbreviation for the disease shall be prefixed to the words "tested," "approved" or "accredited," as "T. B. Tested," "T. B. Approved" and "T. B. Accredited" for tuberculosis and "B.W.D. Tested," "B.W.D. Approved" and "B.W.D. Accredited" for bacillary white diarrhea. (Act Apr. 25, 1931, c. 408, §6.)

5460-13. Products to be labeled.—All poultry and poultry products shipped under the authority of this act shall be uniformly labelled with designs prescribed and furnished by the Minnesota Poultry Improvement Board, provided that all labeling for testing, approval and accreditation as to disease shall first be approved by the State Livestock Sanitary Board. (Act Apr. 25, 1931, c. 408, §7.)

5460-14. Certain advertising prohibited.—No person, firm, association, partnership or corporation shall use in literature, advertising material or on shipping labels or otherwise the words "tested," "approved," "accredited" or "certified" in conjunction with either the word "state" or the word "Minnesota" or both of them as related to a poultry hatchery or a poultry breeding flock except under the authority of this act. (Act Apr. 25, 1931, c. 408, §8.)

Advertisements concerning testing of chicks giving false impression of inspection and supervision by State of Minnesota violated this section. Op. Atty. Gen., Mar. 12, 1934.

Word "state" cannot be used in conjunction with words "blood tested" where no agreement has been entered into with livestock sanitary board. Op. Atty. Gen. (641b), Mar. 19, 1935.

5460-15. May cancel certificates.—In his discretion, the secretary and executive officer of the Minnesota Poultry Improvement Board may cancel any certificate of accreditation or certification issued under the authority of his board, and likewise the secretary and

executive officer of the State Livestock Sanitary Board may cancel any certificate of testing, approval or accreditation issued under the authority of his board for violation of this act or any rule or regulation adopted hereunder; and any person, firm, association, partnership or corporation who shall violate any provision of this act or any regulation adopted hereunder shall be guilty of a misdemeanor. (Act Apr. 25, 1931, c. 408, §9.)

Sec. 10 of the act makes an appropriation for fiscal year ending June 30, 1932.

5460-16. Effective September 1, 1931.—This act shall take effect and be in force from and after the first day of September, 1931. (Act Apr. 25, 1931, c. 408, §11.)

5460-17. The Livestock Sanitary Board may maintain quarantine.—The State Livestock Sanitary Board is hereby authorized and empowered to establish and maintain, at the owner's expense, a quarantine of any or all domestic animals and/or poultry imported into the state whenever in its judgment such quarantine is necessary to protect the health of the domestic animals or poultry of the state. Such quarantine shall be established by the adoption of a resolution declaring such quarantine and specifying the terms, conditions, scope and application thereof, and the publication of such resolution as provided for the publication of rules and regulations promulgated by such Board. (Act Feb. 21, 1933, c. 33, §1.)

5460-18. May not break quarantine.—Upon the establishment of such quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to such quarantine to remove them or any of them from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the State Livestock Sanitary Board. (Act Feb. 21, 1933, c. 33, §2.)

5460-19. Violation a misdemeanor.—Any person removing any animal or any poultry while subject to quarantine as herein provided in violation of the provisions hereof, shall be guilty of a misdemeanor. (Act Feb. 21, 1933, c. 33, §3.)

5460-20. Definition.—The word "person" as used herein shall mean any person, firm or corporation. (Act Feb. 21, 1933, c. 33, §4.)

5460-21. Cattle to be tested for Bang's disease.—For the purpose of controlling and eradicating Bang's disease in the cattle herds of Minnesota, the State Livestock Sanitary Board, hereinafter called the board, is hereby authorized to undertake testing of bovine animals for such disease on the area plan, which plan is hereby declared to be one involving the testing and periodic retesting of all bovine animals within a given area, as hereinafter limited and defined, and elimination by condemnation and slaughter of all said animals reacting to said test, in the manner as provided by law. An area shall consist of a county, provided that, when in the opinion of the board it is more practical so to do, any given township may be designated as an area. (Act Apr. 13, 1939, c. 217, §1.)

5460-22. Petition to be filed—Hearing.—Whenever petitions signed by 70 per cent of the cattle owners resident in an area, as determined by the last preceding assessment roll, shall be presented to the board, asking that all cattle within such area or county be tested for Bang's disease, said board is hereby authorized to make such test without expense to the owners of cattle within said county or area. The board shall fix a time when and place where said petitions and any objections thereto may be heard by the board, and notice of said hearing shall be published in at least one newspaper published or circulated in such area, or if in the case of a township there be no newspaper published therein, then notice shall be published in a newwspaper circulating within the county in which said township is located, not less than ten days preceding the time set for such hearing. At the time and place fixed for such hearing the board shall examine and consider such petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the board determines that the petitions are sufficient to satisfy the statue, such determination shall be final unless reviewed in the manner herein provided. In case the board grants the petition and determines to undertake the work of testing, notice of such determination and the time and place when testing shall begin shall be given by publishing notice in at least one newspaper, published or circulating in such county. (Act Apr. 13, 1939, c. 217, §2.)

Petition may include cattle owners in area who have become residents since last preceding assessment. Op. Atty. Gen. (293B-1), Sept. 14, 1939.

5460-23. Rehearing.—A rehearing shall be granted upon the written application therefor, signed by not less than 20 per cent of the resident cattle owners within said area, as shown by the last preceding assessment rolls, and filed with the board within thirty days after the publication of notice of the board's determination, as provided in section 2 hereof. The board shall, upon receipt of a valid application for rehearing, order one or more agents or employees of said board to make an investigation in said area and hold at least one public hearing therein, notice of which hearing shall be published as in the manner provided for the original hearing. The representative or representatives of the board who may conduct such investigation and rehearing shall make and file with the board a written report thereof. The report shall be examined and acted upon by the board, and if it shall find that the original petitions were sufficient, its decision shall be final. (Act Apr. 13, 1939, c. 217, §3.)

5460-24. Board to fix time for testing.—Notwithstanding full compliance with the procedure on the part of cattle owners, as herein provided, the board shall retain complete discretion as to the time of the commencement of such testing in any area; and the board shall not be required to make such tests in the order in which the petitions are received. In any case the board may proceed with such testing only when, in its opinion, sufficient approved veterinarians and sufficient funds for administration and indemnity payments are available. (Act Apr. 13, 1939, c. 217, §4.)

5460-25. Re-tests.—After the first test in any area shall have been completed, the board shall periodically make such re-tests as in its opinion are necessary until the percentage of cattle infected with Bang's disease in the area is reduced to meet the requirements of a "Modified Accredited Area" as defined and approved by rules and regulations of the Minnesota State Livestock Sanitary Board. And after an area has been certified as a "Modified Accredited Area" subsequent tests of cattle in the county and retests of infected herds and any and all retests necessary to keep and maintain said area free from Bang's disease as herein required for a "Modified Accredited Area" shall be made in the discretion of the board, and such tests and retests shall be without expense to the county or area. (Act Apr. 13, 1939, c. 217, §5.)

5460-26. Cattle owners to assist in making test.—Whenever in accordance with this act the board by its order has fixed the time for commencement of testing in any area, all cattle owners and persons in possession of cattle in the area shall upon demand submit the same for Bang's disease testing and physical examination by the board or its authorized agent or agents, and all such persons shall assist the board and its agents in applying said tests and in making such physical examinations whenever the board or its agents enter upon the premises where such cattle are

located and makes demand therefor, or in making any retest of cattle within such area, as provided in this act. Such owner or person in possession shall account for all animals tagged in making such tests and retests, and shall submit all such cattle to the board or its agents at any time when the board or its agents visit said premises to make further tests or examinations. Such owner or person in possession shall also immediately remove reacting cattle from the premises when officially condemned and cause the same to be slaughtered as required by said board, and shall not use milk or milk products, or sell or dispose of the same, from reacting cattle after the same have been officially condemned. (Act Apr. 13, 1939, c. 217, §6.)

5460-27. Board to make and enforce rules.—The board shall have power to make and enforce such rules and regulations and quarantines as it may deem expedient to carry out the provisions of this act. (Act Apr. 13, 1939, c. 217, §7.)

5460-28. County board to provide funds.—Boards of county commissioners in the state of Minnesota are hereby authorized in their discretion to appropriate or provide funds for the use of the Minnesota Livestock Sanitary Board to aid in the eradication and control of Bang's disease in their counties, as provided in this act. When and if such funds are made available by counties, the same shall be expended under the direction and supervision of the Minnesota Livestock Sanitary Board and shall be distributed on vouchers verified by the executive officer of said board. (Act Apr. 13, 1939, c. 217, §8.)

5460-29. Provisions severable.—The various provisions of this act shall be severable, and if any part of provision shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof. (Act Apr. 13, 1939, c. 217, §9.)

5460-30. Inconsistent acts repealed.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (Act Apr. 13, 1939, c. 217, §10.)

5460-31. Effective July 1, 1939.—This act shall take effect and be in force from and after the first day of July, 1939. (Act Apr. 13, 1939, c. 217, §11.)

CHAPTER 30A

Inspection of Apiaries

5461 to 5473. [Repealed Apr. 22, 1939, c. 404, §19, post §5473-19.]

ANNOTATIONS UNDER REPEALED SECTIONS

5461. State inspector—Deputies.

Determination by the appointing power on question of fact as to whether appointee has had such practical experience as to render him eligible as a practical apiarist, will be binding on the courts in the absence of a clear abuse of judicial discretion. Op. Atty. Gen., June 10, 1931.

5471. Compensation of inspector and deputies.

Deputy inspectors are entitled to be reimbursed for expenses incurred in the performance of their duties. Op. Atty. Gen., June 10, 1931.

5473-1. Definitions.—The following terms shall be construed respectively to mean:

(a) "Apiary"—any place where one or more colonies of bees are kept.

(b) "Appliances"—any apparatus, tools, machines, or other devices, used in the handling and manipulating of bees, honey, wax, and hives. It shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) "Bees"—any stage of the common honey bee, *Apis mellifera L.*

(d) "Bee diseases"—American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees.

(e) "Bee equipment"—hives, supers, frames, veils, gloves, or any other appliances or equipment.

(f) "Colony"—the hive and its appliances, including bees, comb, honey and equipment.

(g) "Hive"—frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.

(h) "Persons"—individuals, associations, partnerships and corporations.

(i) "Queen apiary"—any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this Act shall be construed to import either the plural or singular, as the case demands. (As amended Apr. 22, 1939, c. 404, §1.)

5473-2. Apiary inspections.—The State Entomologist of the State Department of Agriculture, Dairy and Food is hereby authorized to establish apiary inspection and to have charge of the inspection of apiaries as hereinafter provided. Said State Entomologist shall investigate or cause to be investigated outbreaks of bee diseases, and cause suitable measures to be taken for their eradication or control. (As amended Apr. 22, 1939, c. 404, §2.)

5473-3. State entomologists to enforce act.—For the enforcement of this act, the State Entomologist or his deputies shall have authority to enter upon any private or public premises, and shall have access, ingress and egress to and from all apiaries or places where bees, combs, or apiary appliances are kept, for the purpose of ascertaining the existence of the diseases known as American foulbrood or European foulbrood or any other disease which is infectious or contagious in its nature, and injurious as to honey bees in their eggs, larval, pupal or adult stages, and of this, the State Entomologist shall be the sole judge, and should any of the said diseases exist in such apiaries it shall be the duty of the State Entomologist or deputy to treat or cause to be treated or to destroy or cause to be destroyed by fire the colony, including hives, frames, honey, wax, and brood. No damages shall be awarded to the owner for the loss of any infected apiary, bees, bee equipment, appliances, bee products destroyed under the provision of this act or of any order or regulation made in pursuance thereof. The State Entomologist or deputy may destroy or cause to be disinfected immediately, all used beekeeping equipment situated in diseased areas. And after each individual apiary has been inspected and found apparently free from American foulbrood or other dangerous contagious or infectious bee diseases, and provided all other scetions of this Act have been complied with, a certificate of inspection shall be issued. Such certificate of inspection or health shall be valid for the current year or the remainder thereof. However a certificate of inspection may be revoked at any time whenever the State Entomologist in his judgment determines adequate cause for revocation. (As amended Apr. 22, 1939, c. 404, §3.)

5473-4. Licenses.—Every person owning or possessing bees shall on or before the first day of July of each year, file with the State Entomologist of the State Department of Agriculture, an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with

such other information as may be required by the State Entomologist, and such person, firm or corporation shall pay the State Entomologist by draft or money order made payable to the State Department of Agriculture at the time of registration the sum of not less than 50c nor more than $10.00 for each owner of an apiary including all his branch apiaries. The scale of said fees to be as follows:

1— 10 colonies	$ .50
11— 50 colonies	1.50
51—200 colonies	3.00
201—300 colonies	5.00
301—400 colonies	7.50
400— up colonies	10.00

and it shall be the duty of the State Entomologist to issue and deliver to such applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this act. (As amended Apr. 22, 1939, c. 404, §4.)

5473-5. Quarantines.—All apiaries, bees, bee products, buildings, premises, bee equipment and appliances wherein or on which American foulbrood is known to exist are hereby declared to be under quarantine. The removal of any and all bees, queen bees, bee products, colonies, nuclei, combs and apiary appliances and bee fixtures is prohibited except under such cases as the State Entomologist or his inspectors may permit or approve. Such quarantines shall exist until such time as the State Entomologist, his assistants or inspectors, shall determine and declare such premises or material to be apparently free from American foulbrood. The State Entomologist or his inspectors may quarantine in the same manner such premises wherein or on disease is known to exist or not, within a radius of any distance the State Entomologist or inspector may deem necessary. (As amended Apr. 22, 1939, c. 404, §5.)

5473-6. Unlawful acts.—It shall be unlawful for any person to give false information in any matter pertaining to this Act, or to resist, impede, or hinder said State Entomologist or his deputies in the discharge of his or their duties. (As amended Apr. 22, 1939, c. 404, §6.)

5473-7. Shall prevent spread of disease.—After inspection of infected bees or fixtures or handling diseased bees, the State Entomologist or his deputies shall, before leaving the premises, or proceeding to any other apiary, take such measures as shall prevent the spread of the disease by infected material adhering to his person or clothing or to any tools or appliances used by him, which have come in contact with infected materials. (As amended Apr. 22, 1939, c. 404, §7.)

5473-8. Rearing queen bees.—It shall be the duty of any person in the State of Minnesota engaged in rearing of queen bees for sale, to use honey in the making of candy for the use in mailing-cages, which has been boiled for at least thirty minutes, unless candy which contains no honey at all is used. Any such person engaged in the rearing of queen bees shall have his queen rearing and queen mating apiary or apiaries inspected at least once during each summer season by the State Entomologist or his deputies and on the discovery of the existence of any disease which is infectious or contagious in its nature and infurious to bees in their eggs, larval, pupal or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the State Entomologist shall declare the said apiary free from disease. (As amended Apr. 22, 1939, c. 404, §8.)

5473-9. Construction of hives.—It shall be the duty of all persons engaged in beekeeping to provide movable frames in all hives used by them to contain bees, and to cause the bees in such hives to construct brood combs in such frames so that any of said frames may be removed from the hive without injuring other combs in such hive. It shall be the duty of any person keeping bees within the State of Minnesota to securely and tightly close the entrance of any hive or hives in apiaries not free from disease in which the bees shall have died either during the winter or at any other time, and to make the hive or hives tight in such manner that robber bees shall not find it possible to enter or leave such hive or obtain honey therefrom. The sealing of such hives must be maintained so long as the hives remain in the yard or in any place where honey bees can gain access to them. (As amended Apr. 22, 1939, c. 404, §9.)

5473-10. To destroy diseased combs, etc.—It shall be the duty of anyone keeping bees in the State of Minnesota to burn and bury combs and frames taken from diseased colonies in places where they shall remain undisturbed, unless they be placed in tight receptacles so constructed that it shall be impossible for bees to gain access to combs, or for honey or any other liquid to leak out where bees can gain access to it. Anyone exposing comb, honey, frames, quilts, empty hives, covers or bottom-boards, or tools or other appliances contaminated by infected material from the same, from diseased colonies, shall upon conviction thereof, be punished as provided in this Act. (As amended Apr. 22, 1939, c. 404, §10.)

5473-11. Importation of bees in combless packages —Certificate of health.—All bees in combless packages which may be brought into this state from other states or other countries must be accompanied by a certificate of health issued by the official inspector of the state or county from whence they came. The transportation of bees into this state without said certificate of health by any person or persons or by common carriers is expressly prohibited. (As amended Apr. 22, 1939, c. 404, §11.)

5473-12. Same—Bees on combs or in used hives—Certificate of health.—All bees on combs, used hives or other used apiary appliances brought into this state from other states or countries must be accompanied by a valid certificate of health issued by the official inspector of the place of origin and such a certificate of health shall certify to the apparent freedom from foulbrood or any other contagious or infectious bee disease or contamination and must be based on the actual inspection of said bees and material within 60 days preceding the date of shipment and any person, before transporting bees into this state must provide the Minnesota State Entomologist with at least a 30-day notice preceding the date of shipment whereupon a permit will be issued for transportation of such shipment into this state and such bees must immediately upon being brought into this state comply with registration as provided for in Section 4 of this Act. (As amended Apr. 22, 1939, c. 404, §12.)

5473-13. Permits for sale.—No combs or used beekeepers' supplies or bees except in combless packages and with food not made with honey, shall be sold or offered for sale or removed from the premises without being inspected by the State Entomologist or his deputies and a permit issued by him. (As amended Apr. 22, 1939, c. 404, §13.)

5473-14. May appoint assistants.—The State Entomologist is hereby empowered to appoint such assistants and employees as may be necessary to perform the duties hereby imposed. (As amended Apr. 22, 1939, c. 404, §14.)

5473-15. Owners to be informed of unsanitary conditions.—Whenever it is determined by the State Entomologist or his deputies that insanitary conditions exist or are permitted to exist in the operation of any honey houses or building or portion of a building in which honey is stored, graded or processed, the operator or owner of said honey house or building shall be first notified and warned by the State Entomologist or his deputy to place such honey house or building in a sanitary condition within a reason-