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LIVE STOCK

SANITARY LAWS

OF THE

STATE OF MICHIGAN

COMPILED BY

JUSTUS S. STEARNS

SECRETARY OF STATE

LANSDING

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1900

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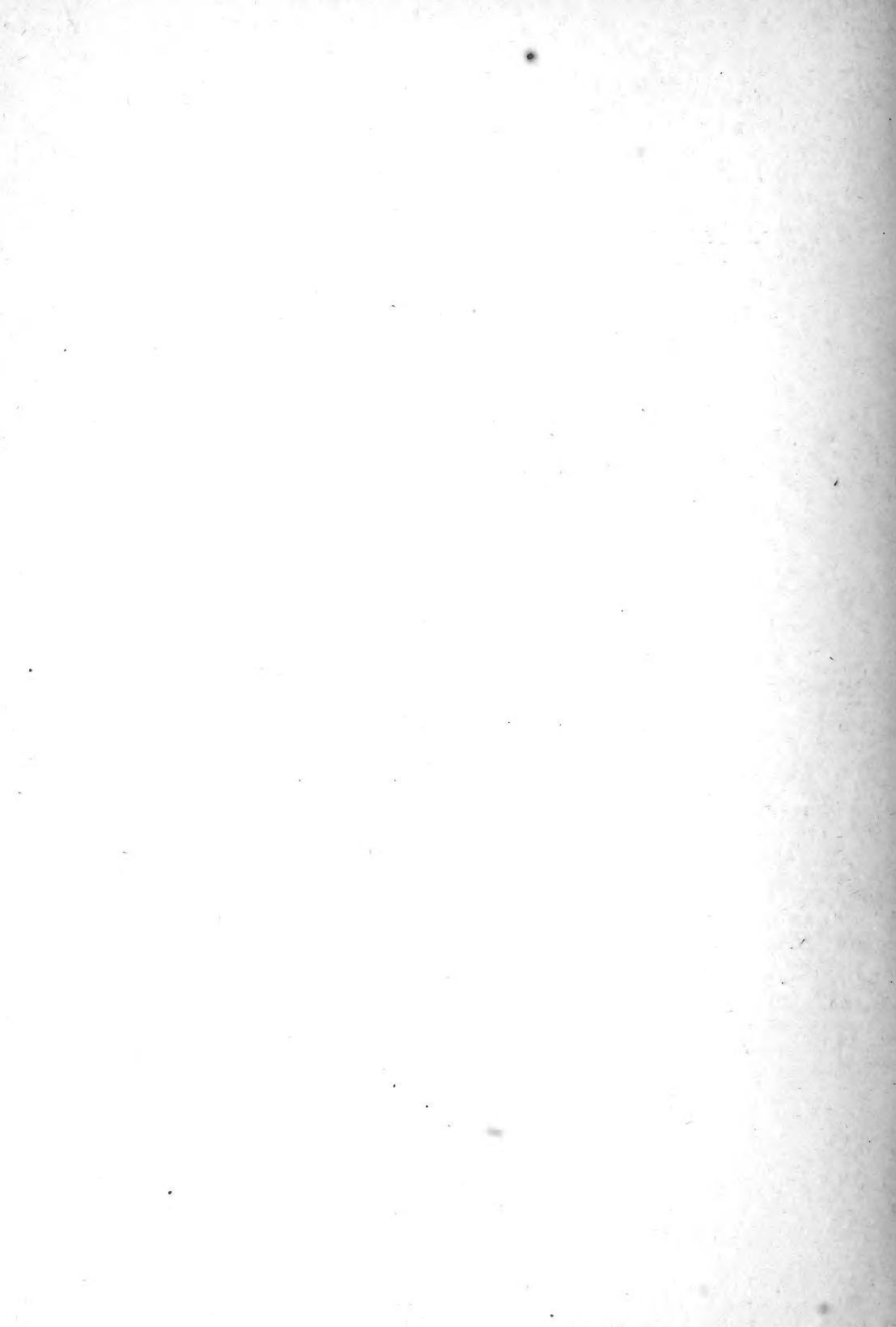
LIVE STOCK SANITARY COMMISSION.

J. H. BROWN, *President*, BATTLE CREEK.
COMFORT A. TYLER, *Secretary*, NOTTAWA.
HENRY H. HINDS, STANTON.

STATE VETERINARIAN.

GEORGE W. DUNPHY, QUINCY.

NOTE—The numbers in parenthesis () are compilers sections and are consecutive throughout the compilation. The section mark § refers to the section of the Compiled Laws of 1897 with the corresponding section of Howell's annotated statutes following each section.



PROTECTION OF DOMESTIC ANIMALS AND OTHER PROPERTY.

An Act to provide for the appointment of a STATE LIVE STOCK SANITARY COMMISSION AND A STATE VETERINARIAN, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State.

[Act 182, P. A. 1885.]

The People of the State of Michigan enact:

(1.) § 5627. SECTION 1. That a commission is hereby established which shall be known under the name and style of "the state live stock sanitary commission." The commission shall consist of three commissioners who are practical agriculturists and engaged in the live stock industries of the state, who shall be appointed by the governor with the advice and consent of the senate. One shall be appointed for the term of six years, one for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of July of the year in which they are appointed and shall continue until their successors are appointed and qualified. And at each succeeding biennial session of the legislature there shall be appointed in like manner one commissioner who shall hold his office six years or until his successor is appointed and qualified. The governor shall also appoint with the advice and consent of the senate a competent and skilled veterinary surgeon for the state who, at the time of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery and who shall hold his office two years from the second Tuesday of July of the year he is appointed and until his successor is appointed and qualified. The governor shall also appoint every two years thereafter a competent and skilled veterinarian having the qualifications above mentioned, whose term of office shall be for two years or until his successor is appointed and qualified.

The state live stock sanitary commission.

To consist of three persons practical agriculturists.

To be appointed by governor, etc.

Term of office.

When to be appointed.

Veterinary surgeon.

Term of office.

How. 2136k.

(2.) § 5628. SEC. 2. Said commissioners and veterinary surgeon before they enter upon the duties of their office shall each take and subscribe the constitutional oath of office and file the same with the secretary of state.

Constitutional oath of office.

How. 2136l.

Compensation of commissioner and veterinary surgeon.

(3.) § 5629. SEC. 3. Each commissioner shall receive the sum of three dollars per day and necessary expenses for the time actually spent in the discharge of his duties; and the veterinary surgeon shall receive the sum of five dollars per day and necessary expenses for time when employed.

How. 2136m.

Duty of the commission.

(4.) § 5630. SEC. 4. It shall be the duty of the commission to protect the health of the domestic animals of the state from all contagious or infectious diseases of a malignant character, and for this purpose it is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as it may deem necessary.

Quarantine regulations, etc.

How. 2136n.

The commission is the sole tribunal to determine whether the animals are diseased and to ascertain their value, and is to be governed by the value at the date of appraisal. The only appellate jurisdiction provided for by the statute is the governor, whose approval of the action of the commission is necessary.—Shipman v. Sanitary Commission, 115 / 488.

Duty of persons to report disease to health officer.

(5.) § 5631. SEC. 5. It shall be the duty of any person who discovers, suspects, or has reason to believe that any domestic animal belonging to him or in his charge, or that may come under his observation, belonging to other parties, is affected with any disease, whether it be a contagious or infectious disease, to immediately report such fact, belief, or suspicion to the live stock sanitary commission, or a member thereof, or to the local board of health or some member thereof.

How. 2136o.—Am. 1887, p. 122; App. May 13; Act 105.—Am. 1889, p. 145; App. May 31; Act 125.

Duty of local board of health to investigate cases reported.

(6.) § 5632. SEC. 6. It is hereby made the duty of all local boards of health, to whom cases of contagious or infectious diseases are reported, to immediately investigate the same, either in person by some member or members of the board, or by the employment of a competent and skilled veterinarian; and should such investigation show a reasonable probability that a domestic animal is affected with a contagious or infectious disease of a malignant character, the local board of health shall immediately establish such temporary quarantine as may be necessary to prevent the spread of the disease, and report all action taken to the commission or to some member thereof; and the acts of local boards of health establishing temporary quarantine shall have the same force and effect as though established by the commission itself, until such time as the commission may take charge of the case or cases, and relieve the local board of health. All expenses incurred by local boards of health in carrying out the provisions of this act shall be paid in like manner as are other expenses incurred by said boards in the discharge of other official duties.

Expenses, how paid.

How. 2136p.—Original sec. 6 repealed, 1887, p. 122; App. May 13; Act 105.—New sec. 6 added 1889, p. 145; App. May 31; Act 125.

(7.) § 5633. SEC. 7. The commission or any member thereof to whom the existence of any infectious or contagious disease of domestic animals is reported shall forthwith proceed to the place where such domestic animal or animals are and examine the same, and if in his or their opinion any infectious or contagious disease does exist he or they shall prescribe such temporary quarantine and regulations as will prevent the spread of the contagion or infection, and notify the state veterinarian, who shall forthwith proceed to the place where said contagious or infectious disease is said to exist and examine said animal or animals and report his or their finding to the said commission, who then shall prescribe such rules and regulations as in their judgment the exigencies of the case may require for the effectual suppression and eradication of the disease, and for that purpose the said commission may list and describe the domestic animals affected with such disease and those which have been exposed thereto and included within the infected district or premises, so defined and quarantined with such reasonable certainty as would lead to their identification, and no domestic animal liable to become infected with the disease or capable of communicating the same shall be permitted to enter or leave the district, premises or grounds so quarantined, except by the authority of the commission. The said commission shall also, from time to time, give and enforce such directions, and prescribe such rules and regulations as to separating, mode of handling, treating, feeding, and caring for such diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and perfectly isolate them from all other domestic animals which have not been exposed thereto and which are susceptible of becoming infected with the disease, and the said commission and veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act. When in the opinion of the commission it shall be necessary to prevent the further spread of any contagious or infectious disease among the live stock of the state, to destroy animals affected with or which have been exposed to any such disease, it shall determine what animals shall be killed, and appraise the same, as hereinafter provided, and cause the same to be killed and the carcasses disposed of as in their judgment will best protect the health of domestic animals of the locality.

Commission to quarantine.

To notify the state veterinarian.

To report to the commission.

Powers and duties of the commission and veterinarian.

How. 2136q.

(8.) § 5634. SEC. 8. When the commission shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious, or infectious disease found to exist among the live stock of the state, and given their order as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the governor thereof, who shall issue his proclamation proclaiming the boundary of such quarantine and the orders,

To notify the governor of quarantine.

Governor to issue quarantine proclamation.

rules, and regulations prescribed by the commission, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the district, premises, places, or grounds quarantined: Provided, That if the commission decide that it is not necessary, by reason of the limited extent of the district in which such disease exists, that a proclamation should be issued, then none shall be issued, but such commission shall give such notice as may to it seem best to make the quarantine established by it effective.

How. 2136r.

Commission to appraise animal ordered killed.

(9.) § 5635. SEC. 9. Whenever the commission shall direct the killing of any domestic animal or animals it shall be the duty of the commissioners to appraise the animal or animals condemned, and in fixing the value thereof the commissioners shall be governed by the value of said animal or animals at the date of appraisalment.

How. 2136s.

To issue a certificate to owner.

(10.) § 5636. SEC. 10. Whenever any live stock shall be appraised and killed by order of the commission, it shall issue to the owner of the stock so killed a certificate showing the number and kind of animals killed, and the amount in their judgment, to which the owner is entitled, and report the same to the governor of the state, which certificate, if approved by the governor, shall be presented to the auditor general, who shall draw his warrant for the amount therein stated, payable out of any money in the treasury not otherwise appropriated.

To report the same to the governor.

Auditor general to draw his warrant for amount.

How. 2136t.

Owner to be paid for animal killed.

(11.) § 5637. SEC. 11. When any animal or animals are killed under the provisions of this act, by order of the commission, the owner thereof shall be paid therefor the appraised value as fixed by the appraisalment hereinbefore provided for: Provided, The right of indemnity on account of animals killed by order of the commission under the provisions of this act, shall not extend to the owners of animals which have been brought into the state in a diseased condition, or from a state, country, territory, or district in which the disease with which the animal is affected, or to which it has been exposed, exists. Nor shall any animal be paid for by the state which may be brought into the state in violation of any law or quarantine regulation thereof, or the owner of which shall have violated any of the provisions of this act, or disregard any rule, regulation, or order of the live stock sanitary commission or any member thereof. Nor shall any animal be paid for by the state which came into the possession of the claimant with the claimant's knowledge that such animal was diseased, or was suspected of being diseased, or of having been exposed to any contagious or infectious disease.

Proviso.

How. 2136u.

(12.) § 5638. SEC. 12. Any person who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or, after having received notice that such animal is so affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected by or previously exposed to such disease may be exposed to its contagion or infection, or who shall sell, ship, drive, trade, or give away such diseased animal or animals which have been exposed to such contagion or infection, or who shall move or drive any domestic animal in violation of any direction, rule or regulation, or order establishing and regulating quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court, for each of such diseased or exposed domestic animals which he shall permit to run at large, or keep, sell, ship, drive, trade or give away in violation of the provisions of this act.

Disposition of domestic animal affected with any contagious disease.

A misdemeanor.

Penalty.

How. 2136v.—Am. 1889, p. 145; App. May 31; Act 125.

(13.) § 5639. SEC. 13. Any person who shall knowingly bring into this state any domestic animal which is affected with any contagious or infectious disease, or any animal which has been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars, or be imprisoned in the state prison not to exceed one year, or both such fine and imprisonment in the discretion of the court.

Penalty for bringing diseased animals into the state.

How. 2136w.—Am. 1889, p. 146; App. May 31; Act 125.

(14.) § 5640. SEC. 14. Any person who owns or is in possession of live stock which is affected, or which is suspected or reported to be affected, with any infectious or contagious disease, who shall wilfully prevent or refuse to allow the state veterinarian or commissioner or other authorized officer or officers to examine such stock, or shall hinder or obstruct the state veterinarian or other authorized officer or officers in any examination of, or in an attempt to examine such stock, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days or both such fine and imprisonment in the discretion of the court.

Penalty for refusing to allow the veterinarian to examine stock.

How. 2136x.—Am. 1889, p. 146; App. May 31; Act 125.

(15.) § 5641. SEC. 15. Any person who shall willfully violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of this act, or who shall willfully

Penalty for violation of this act.

violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of this act, or who shall willfully violate, disregard or evade any of the rules, regulations, orders or directions of the live stock sanitary commission establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

How. 2136y.—Am. 1889, p. 146; App. May 31; Act 125.

Authorized to employ persons and purchase supplies, etc.

(16.) § 5642. SEC. 16. The commission provided for in this act shall have power to employ at the expense of the state such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given.

How. 2156z.

May call upon the sheriff, etc., to execute orders.

(17.) § 5643. SEC. 17. The commissioners shall have power to call upon any sheriff, under-sheriff, deputy sheriff, or constable to execute their orders, and such officers shall obey the orders of said commissioners, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid therefor in like manner. And any officer may arrest and take before any justice of the peace of the county any person found violating any of the provisions of this act, and such officer shall immediately notify the prosecuting attorney of such arrest, and he shall prosecute the person so offending according to law.

Compensation.

May arrest.

Duty of prosecuting attorney.

How. 2136z1.

Governor to issue proclamation prohibiting the importation of live stock, etc.

(18.) § 5644. SEC. 18. Whenever the governor of the state shall have good reason to believe that any dangerous, contagious, or infectious disease has become epizootic in certain localities in other states, territories or counties, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, he shall by proclamation prohibit the importation of live stock, of the kind diseased into the state, unless accompanied by a certificate of health given by a duly authorized veterinary surgeon; and all such animals arriving in this state shall be examined immediately by the commission or some member thereof, and if he or they deem necessary he or they shall have said animals inspected by the state veterinary surgeon, and if in his opinion there is any danger from contagion or infection, they shall be placed in close quarantine until such danger of infection or contagion is passed, when they shall be released by order of said commission or some member thereof.

To be examined and quarantined.

How. 2136z2.

(19.) § 5645. SEC. 19. For the purposes of this act each member of the live stock sanitary commission is hereby authorized and empowered to administer oaths and affirmations.

May administer oaths, etc.

How. 2136z³.

(20.) § 5646. SEC. 20. This commission is hereby authorized and required to co-operate with any board or commission acting under any present or future act of congress for the suppression and preventing of contagious or infectious diseases among domestic animals, and the same right of entry, inspection and condemnation of diseased animals upon private premises is granted to the United States board or commission as is granted to the commission granted under this act.

Required to co-operate with boards acting under act of congress.

Authority of U. S. board.

How. 2136z⁴.

(21.) § 5647. SEC. 21. The commission shall make biennially a detailed report of its doings to the governor, which report shall be transmitted to the legislature at its regular biennial session.

To report to the governor, etc.

How. 2136z⁵.

(22.) § 5648. SEC. 22. This act shall be constructed so as to include sheep and horses.

Sheep and horses included.

How. 2136z⁶.—Am. 1887, p. 48; App. Mar. 26; Act 47.

(23.) § 5649. SEC. 23. Any railroad company, navigation company, or other corporation, or common carrier, who shall knowingly, or willfully violate, disregard, or evade any of the provisions of this act, or who shall willfully violate, disregard, or evade any of the rules, regulations, orders, or directions of the live stock sanitary commission establishing or governing quarantine, or who shall evade, or attempt to evade any quarantine proclamation of the governor of this state declaring quarantine limits, shall forfeit and pay to the people of the state of Michigan not less than five hundred dollars nor more than five thousand dollars, for each and every offense, and shall be liable for all damages caused to any neat cattle by its or his failure to comply with the requirements of this act.

Relative to violation of act by railroad companies, etc.

How. 2136z⁷.—Added 1887, p. 123; App. May 13; Act 105.

An Act to regulate and provide for the carrying, yarding and feeding of so called **TEXAS CATTLE WHILE IN TRANSIT** into or across this State between the first day of April and the first day of November of each year.

[Act No. 199, P. A. 1885.]

The People of the State of Michigan enact:

Transportation
across yarding,
etc., of certain
cattle, unlaw-
ful.

(24.) § 5650. SECTION 1. That it shall not be lawful to transport any neat cattle into or across this state, yard or feed the same, that have been reared or kept south of the thirty-sixth parallel of north latitude, and that have not subsequently been kept continuously at least one winter north of said parallel, and which may be brought within the limits of this state between the first day of April and the first day of November, following, except in the manner hereafter provided.

How. 2136f.

Duty of railroad
transporting
certain cattle.

(25.) § 5651. SEC. 2. It shall be the duty of all railroad companies doing business in this state to receive and transport while in this state, the class of cattle mentioned in section one, only in cars that are branded or lettered legibly and distinctly and in plain view, the words "for the transportation of Texas cattle only;" and they shall not permit or allow any other class of cattle to enter those cars between the first day of April and the first day of November following: Provided, That cattle coming from other states for transportation through this state when it is impossible to ascertain where they came from may be shipped in such cars, but shall be treated in all respects as coming from the country south of the thirty-sixth parallel of north latitude.

Proviso.

How. 2136g.

Care of certain
cattle at stock
yards.
Location of
such yards;
passing to.

(26.) § 5652. SEC. 3. It shall be the duty of any railroad company, stock yard company, or private individual owning and operating any stock yard in this state, to receive and feed the class of cattle mentioned in section one only in yards separate and apart from yards used for the feeding or yarding of other cattle; and these yards shall be in the immediate vicinity and contiguous to a railroad side track so that these cattle may not pass over any open common that might be crossed by other cattle; and said yards shall have a sign posted at each entrance thereto, on which shall be plainly lettered "for the yarding of Texas cattle only," and no other cattle shall be admitted to these yards between the first day of April and the first day of November of each year.

Entrance sign.

How. 2136h.

Penalty for
violation.

(27.) § 5653. SEC. 4. Any railroad company, stock yard company, or private individual owning any stock yard in this state, who shall violate any of the provisions of sections one and two of this act, shall forfeit and pay to the people of the

state of Michigan not less than fifty dollars nor more than five hundred dollars for each and every such offense, and shall be liable for any and all damages caused to any neat cattle by their failure to comply with the requirements of this act.

Fine.
Liability for
damages.

How. 2136l.

(28.) § 5654. SEC. 5. Any person or person [persons] who shall knowingly or willfully place or attempt to place any neat cattle, or others than those mentioned in section one, in any car or yard provided for in section two or three of this act, and branded and lettered as therein provided for between the first day of April and the first day of November following, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars or be imprisoned not less than ten days nor more than sixty days, or both such fine and imprisonment in the discretion of the court.

Certain viola-
tion a misde-
meanor.

Punishment.

How. 2136j.—Am. 1887, p. 64; App. April 8, Act 57.

An Act to prevent the infection of FOOT-ROT AMONG SHEEP.

[Act 166, P. A. 1879.]

The People of the State of Michigan enact:

(29.) § 5655. SECTION 1. That it shall be unlawful for any person or persons to allow to run at large on, or to drive along any highway in this state between the first day of May and the first day of November of each year, any sheep known to be infected with the disease known as the foot-rot.

Unlawful to
allow or drive
on highway,
sheep infected
with foot-rot.

How. 2136.

(30.) § 5656. SEC. 2. Any person or persons violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine not less than twenty-five nor more than one hundred dollars, in the discretion of the court, in addition to the costs of prosecution; and in case the fine imposed, and the costs of prosecution shall not be paid, the defendant shall be confined in the county jail not less than thirty days nor more than sixty days, in the discretion of the court.

Penalty.

How. 2136a.

An Act to prevent the importation running at large and sale of DISEASED SHEEP.

[Act 185, Laws of 1863.]

The People of the State of Michigan enact:

Penalty for importing, etc., diseased sheep.

(31.) § 5657. SECTION 1. That it shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this state sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

How. 2133.

Penalty for allowing diseased sheep to run at large.

(32.) § 5658. SEC. 2. That any person being the owner of sheep, or having the same in charge, who shall turn out, or suffer any sheep having any contagious disease, knowing the same to be so diseased to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, without first apprising the purchaser thereof of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

How. 2134.

Damages in civil action.

(33.) § 5659. SEC. 3. Nothing in this act shall be so construed as to prevent the recovery of damages, in civil actions, against any person or persons who shall import or drive such diseased sheep into this state, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep.

How. 2135.

An Act to provide for MARKING AND BRANDING LIVE STOCK.

[Act 122, P. A. 1883.]

The People of the State of Michigan enact:

Owners may adopt brand, etc.

(34.) § 5660. SECTION 1. That every person who has cattle, horses, hogs, sheep, goats, or any other domestic animals, may adopt an ear mark or brand, which ear mark or brand may be recorded in the office of the county clerk of the county where such cattle, horses, hogs, sheep, goats, or other domestic animals shall be: Provided, That the mark or brand so adopted

To be recorded.

Proviso.

and recorded shall be different from all other marks or brands, adopted and recorded in such county.

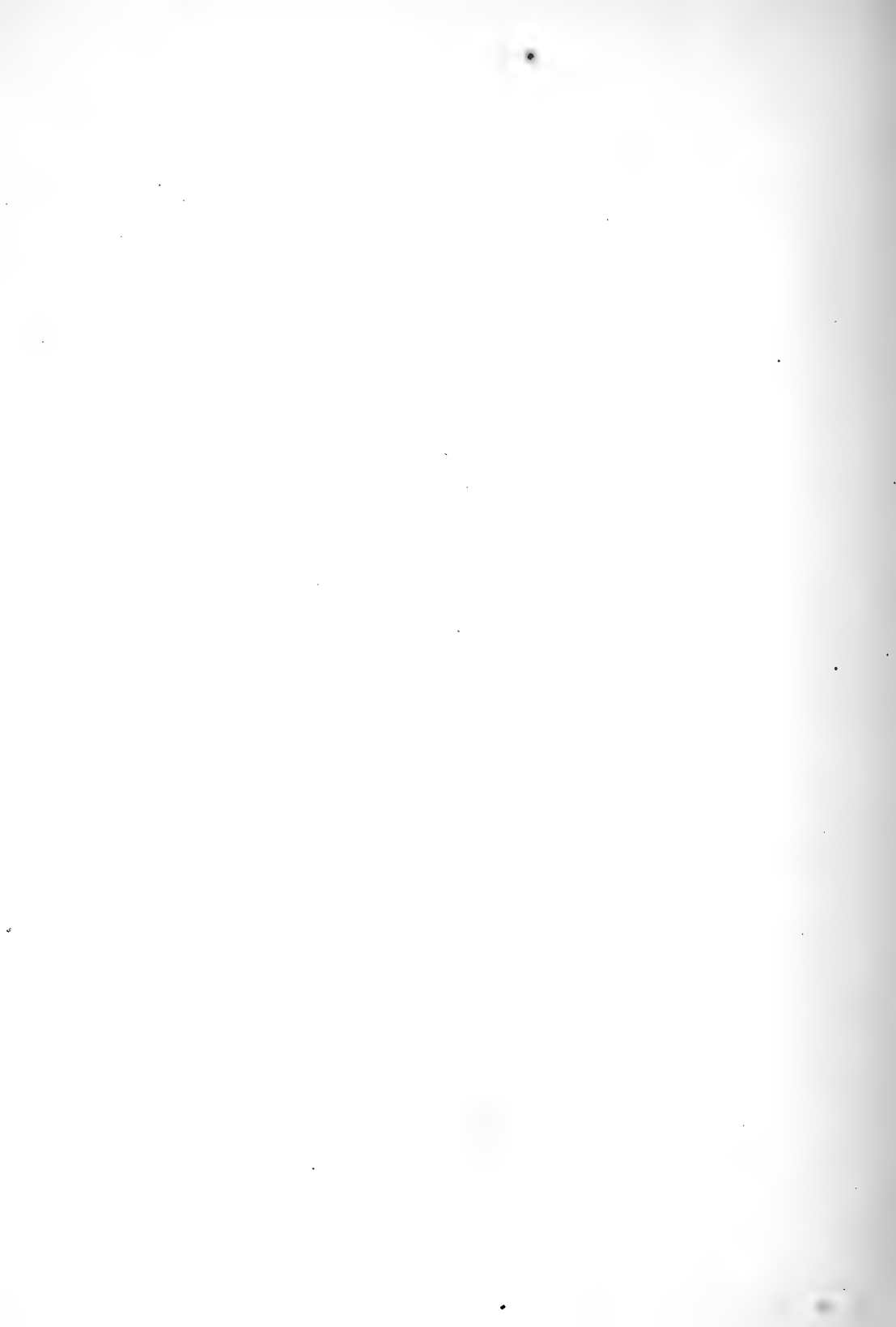
How. 2074a.

(35.) § 5661. SEC. 2. It shall be the duty of the county clerks of the several counties of this state, to keep a book in which they shall record the mark or brand adopted by each person who may apply to them for that purpose, for which they shall be entitled to demand and receive twenty-five cents. Duties of county clerks in recording. Fee for.

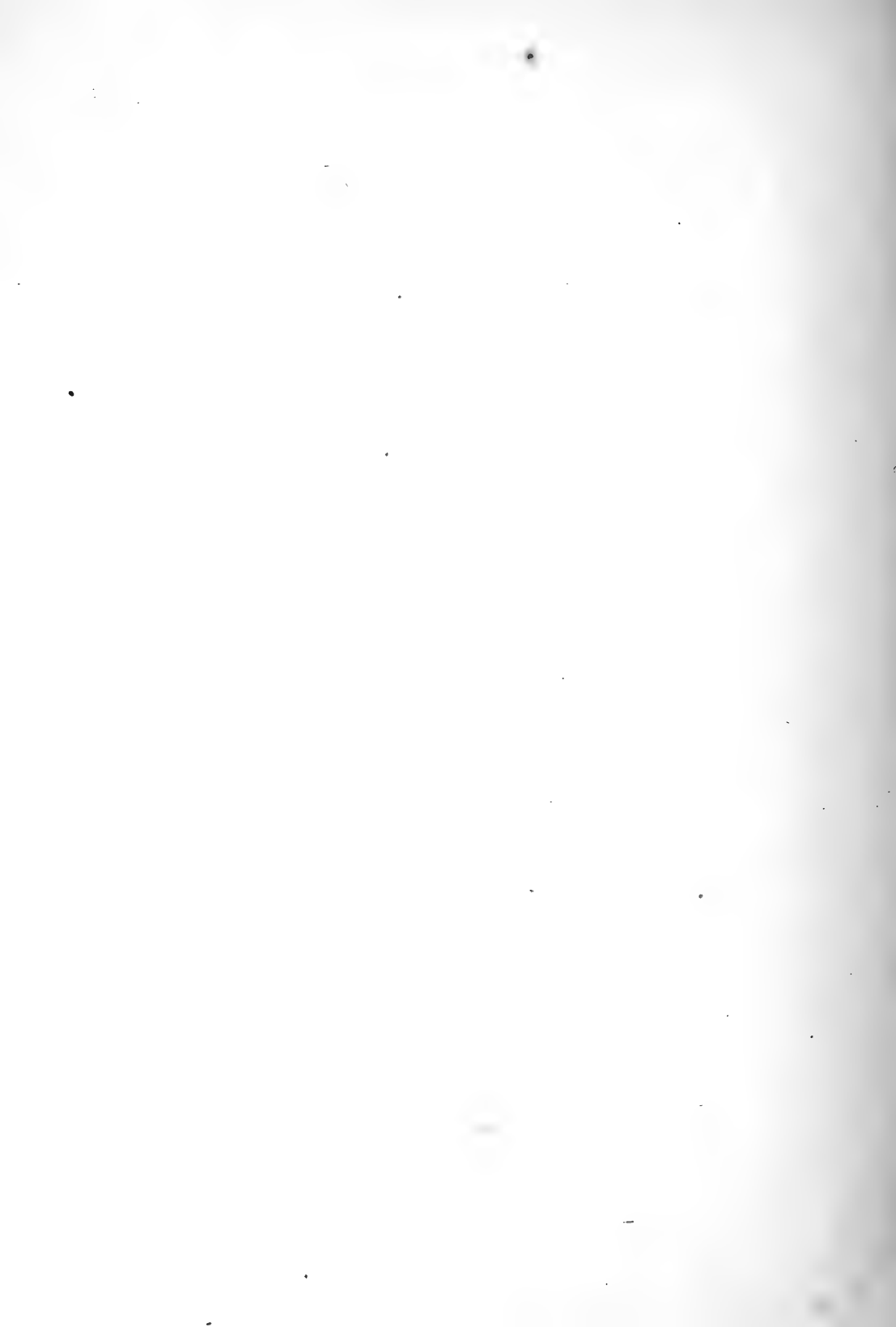
How. 2074b.

(36.) § 5662. SEC. 3. If any person shall mark or brand, or alter or deface the mark or brand of any horse, mare, colt, jack, jenny, jennet, mule, or any one or more head of neat cattle or sheep, goat, hog, shoat, pig, or other domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, he shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the state prison, not to exceed two years, or by a fine of not more than two hundred dollars, or both, in the discretion of the court. Penalty for changing, etc., brand.

How. 2074c.



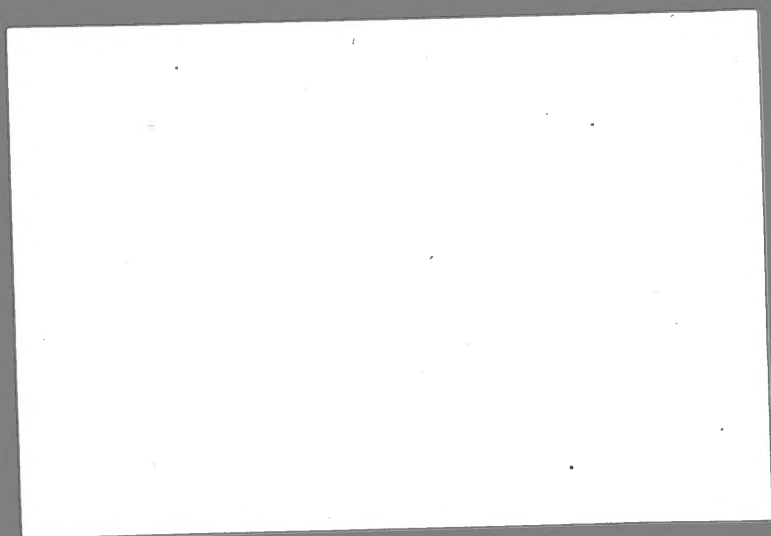
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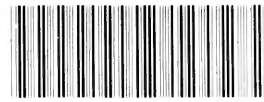
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