

**MINNESOTA SOCIETY
FOR PREVENTION
OF CRUELTY**

9231

W. J. Gay

Laws of Minnesota Pertaining to
CRUELTY TO ANIMALS
RAILROAD AND WAREHOUSE
COMMISSION RULES
AND
SOCIETIES FOR THE
PREVENTION OF CRUELTY



STATE CAPITOL BUILDING
ST. PAUL

MINNESOTA GENERAL STATUTES
1923

CHAPTER 102
CRUELTY TO ANIMALS

10442. Definitions—The word "animal" shall include every living creature except the human race; the word "torture" or "cruelty," every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted. The term "impure and unwholesome milk" shall include all milk obtained from animals in a diseased or unhealthy condition, or fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation.

10443. Overworking animals, etc.—Every person who shall—

1. Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work the same when unfit for labor, whether belonging to himself or another;

2. Deprive of necessary food, water, or shelter any animal of which he has charge or control;

3. Keep cows or other animals in any inclosure without wholesome exercise and change of air;

4. Feed cows on food which produces impure or unwholesome milk;

5. Abandon any maimed, sick, infirm, or disabled animal to die in any public place;

6. Allow any such animal to lie in the street, road, or other public place for more than three hours after notice; or

7. Wilfully set on foot, instigate, or in any way further any act of cruelty to animals, or any act tending to produce such cruelty—

Shall be guilty of a misdemeanor.

10444. Cruelty in transportation—Every person who shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which such animals can both stand and lie down during transportation, and while awaiting slaughter; every person who shall carry or cause to be carried upon a vehicle or otherwise any live animal having feet or legs tied together, or in any other cruel or inhuman manner; and every person or corporation engaged in transporting live stock who shall detain the same in cars or compartments for more than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water and feeding for a period of at least five consecutive hours, unless requested to do so as hereinafter provided, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight, or shall permit the same to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other, shall be guilty of a misdemeanor; Provided, that upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six consecutive hours.

10445. Docking horses—Every person who shall cut the bony part of a horse's tail for the purpose of docking it, or cause or knowingly permit the same to be done upon premises of which he is owner, lessee, or user, or who shall assist in such cutting, shall be punished by imprisonment in the county jail for not less than thirty nor more than ninety days, or by a fine of not less than twenty-five dollars nor more than one hundred dollars. Whenever a horse shall be found so cut, and the wound resulting unhealed, upon the premises or in the custody of any person, such fact shall constitute prima facie evidence that the offense was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals, for any offense specified in this section, shall be paid to the society whose officer or agent made the complaint.

10446. Clipped horses, etc.—Every person having the custody of any animal which shall have had its hair removed by clipping or shearing, who, within sixty days after such clipping or shearing, and between November 1 and May 1, shall cause or permit such animal to stand on a road, street, or other unsheltered place, without being blanketed, shall be guilty of a misdemeanor.

10447. Injury to birds—Every person who shall in any manner wantonly maim, kill, or destroy any brown thrush, bluebird, martin, swallow, wren, catbird, robin, peewee, meadow lark, or other insect-devouring bird of any kind or name whatsoever, or who shall wantonly destroy the nests or eggs of any such bird, shall

be guilty of a misdemeanor, and punished by a fine of not less than one dollar nor more than fifteen dollars.

10448. Poisoning animals—Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits the same to be done, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another, is punishable by imprisonment in the state prison not exceeding two years or in a county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

10449. Cock-fights, Dog-fights, etc.—Every person who shall engage in, be employed at, aid, or abet cock-fighting, dog-fighting, bear-baiting, pitting one animal against another of the same or a different kind, or any similar cruelty to animals; or who shall receive money for the admission of any person to any place used, or about to be used, for any such purpose, or shall wilfully permit any one to enter or use for any such purpose premises of which he is the owner, agent, or occupant; and every person who shall use, train, or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal—shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by a fine of not less than five dollars nor more than one hundred dollars. Every person who shall knowingly purchase a ticket of admission to any such place, be present at or witness such spectacle, shall be deemed an aider and abettor.

10450. Animal with infectious disease—Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, or to have recently been exposed thereto, who shall sell or barter the same, or knowingly permit such animal to run at large or come into constant contact with any other animal, or with another person without his knowledge and permission, shall be punished by imprisonment in the county jail for not more than thirty days, or by fine of not less than twenty dollars nor more than one hundred dollars.

10451. Exposure of animals—Duty of officers—Any sheriff, constable, village marshal, police officer or any agent of the Minnesota or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or remaining more than one hour without attention in cold or inclement weather, or not properly fed and watered, or provided with suitable food and drink, and when necessary, may deliver such animal to another person to be so sheltered and cared for, and furnished with suitable food and drink, but in all cases the owner, if known, shall be immediately notified, and such officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping and the reasonable value of the food and drink furnished and the expenses of such notice. If the owner or custodian be unknown, and cannot by reasonable effort be ascertained, or shall not, within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray, and be dealt with as such.

BEFORE THE RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF MINNESOTA

* In the Matter of Prescribing General Rules and Regulations covering the Transportation of Property by Motor Vehicles on the Highways of the State of Minnesota by Auto Transportation Companies and Permit Motor Vehicle Freight Carriers pursuant to the provisions of Chapter 185, Laws of 1925, and Chapter 170, Laws of 1933, as Amended.

SUPPLEMENTAL ORDER TO GENERAL ORDER NO. 1

Pursuant to the provisions of Section 6 and 7 of Chapter 170, Laws of 1933 as amended, and after full consideration in the premises,

IT IS ORDERED, That General Order No. 1 of June 5, 1933, be and the same is hereby amended to include the following additional general rule as of December 21, 1937, viz:

"Rule 35. Whenever cattle, hogs, calves and sheep, or any two of such kind of livestock are carried on a motor vehicle at the same time, each of said kinds of stock shall be partitioned off from the other kind or kinds; except that veal calves and sheep may be carried in the same compartment. In addition to the above, large hogs shall be partitioned off from pigs. Bulls and horned or unruly cattle shall be securely tied or partitioned from other cattle in the vehicle. Whenever the animals carried in

a vehicle do not reasonably fill the available space, partitions shall be used to confine said animals to a space wherein they can be comfortably carried without jostling and falling. No inert freight, spare tires or other articles not used in the handling of livestock shall be carried in a compartment which also contains livestock. As far as practicable, all racks and partitions shall be free from projections which may bruise or otherwise injure the animals carried.

"Rule 36. Whenever an upper deck is used in the transportation of livestock, the under side of said deck shall at all times clear animals standing on said floor. Cleated inclines or ramps must be provided for the loading and unloading of upper decks of vehicles.

"Rule 37. Floors of vehicles carrying livestock must be cleated or bedded sufficiently to prevent slipping. Such bedding shall consist of straw, sand, fine gravel or sawdust or other practical material.

"Rule 38. During the period from June 15 to September 15 of each year, livestock shall be covered in such manner as to protect the same from the sun; and during the period from November 1 to March 31, livestock shall be covered and otherwise sheltered in such manner as to protect it from freezing or inclement weather conditions."

Please be governed accordingly.

BY THE COMMISSION

GENERAL STATUTES
MINNESOTA, 1923

SOCIETIES FOR PREVENTION OF
CRUELTY

7927. Purposes—Powers—The "Minnesota society for the prevention of cruelty" is hereby confirmed and continued, with all existing powers, for the purpose of inculcating humane principles, the enforcement of law, and the prevention of cruelty, especially to children and animals. It may appoint representatives in any county where no active county society exists, for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to prosecute the work of said society throughout the state. Said society and all county societies may appoint agents for the purpose of prosecuting persons guilty of cruelty to children or animals. Every such agent whose appointment has been approved and made a matter of record by the probate judge of the county from which he was appointed may arrest any person in his county found violating any law for the protection of children or animals, take him before any court or magistrate having jurisdiction and make complaint against him. Branches of said society, consisting of not less than ten members, may be organized in any part of the state to prosecute the work of the society in their several localities under rules established by it. It may elect officers and make such rules and by-laws as are necessary.

7928. Society constituted state bureau — That the Minnesota society for the prevention of cruelty is constituted a state bureau of child

and animal protection for the purposes hereinafter set forth; provided, that the said society for the prevention of cruelty shall accept and carry out the provisions of this act.

7929. Ex officio members—The governor, the superintendent of public instruction and the attorney general shall be ex officio members of the board of directors of said state bureau.

7930. Duties—It shall be the duty of the said bureau to secure the enforcement of the laws for the prevention of wrongs to children and dumb animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the state bureau; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to children and dumb animals, which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of children and dumb animals.

7931. Annual meeting—Said bureau shall hold its annual meeting on the second Monday in November in each year at the capitol of the state, for the transaction of its business and the election of its officers, at which meeting all questions relating to child and animal protection in the state may be considered.

7932. Annual report — The said bureau shall make an annual report before the first day of January of each year to the secretary of state, embracing the proceedings of the bureau for the preceding year, and statistics showing the work of the bureau.

7933. Acceptance of act—If the said humane society shall accept the provisions of this act, they shall certify their acceptance of the same to the secretary of state and state auditor.

7934. County societies — County societies for the prevention of cruelty to children and animals may be formed in any county by not less than seven incorporators, and the members, at a meeting called for that purpose, who shall continue in office until their successors are qualified.

7935. May acquire and hold property—Municipal appropriation — Every such society may acquire by purchase, gift, grant or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county or the council of any city, or village, in which such societies exist, may in their discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money, not otherwise appropriated not exceeding twenty-four hundred dollars (\$2400.00) in any one year, provided that no part of such appropriation shall be expended for the payment of the salary of any officer of such society.

7936. Duties of peace officers—Fees—Any member of such association may require, and it shall be the duty of any sheriff or his deputy, any constable, police officer, or the agent of any such society, state or county, whose appointment has been approved by a judge of probate as pro-

vided in this subdivision, to arrest any person found violating the law relative to cruelty to persons or animals and to take possession of any animals in their respective municipalities which have been cruelly treated and deliver the same to the proper officers of the association. For such services such officers or agents shall be allowed and paid such fees as are allowed for like services in other cases, which fees shall constitute a part of the costs taxed on conviction.

"Give us one generation dedicated to the law of Kindness, and most of our troubles will disappear."

"KINDNESS" IS THE WORD

Affiliated with
The American Humane Association
Albany, New York

1286

ANNUAL REPORT OF EXECUTIVE AGENT

of the

MINNESOTA SOCIETY FOR THE PREVENTION OF CRUELTY

November 2, 1942.

The past year has been one of the busiest in the history of our organization, which is now in its seventy-third year.

Since our last Annual Meeting, we have recorded fifteen hundred and twenty-seven items of various types, such as, investigations and correction of seventy-one of live-stock cases in various parts of the State. A letter of warning and a copy of Livestock Transportation Rules were sent to eleven hundred cattle truck owners for various violations, such as,

1. Overloading.
2. Illegally mixed load.
3. Lack of proper partitions.
4. No top cover against excessive heat, or inclement weather conditions.
5. Lack of proper footing in truck.
6. Brutal handling of livestock in loading and unloading.
7. Dilapidated trucks.

One hundred and thirteen cases involving abuse or neglect of dogs, cats, poultry, birds, etc. We had twenty-two cases involving human beings. Consultations and advice, thirty-four. Talks at rural schools - Boy Scout Troops and other groups, thirty-three. We gave regular monthly Radio Broadcasts during the year over Radio Station W.M.I.N.

We wish to take this opportunity to publically thank the Management of W.M.I.N. for this free time, which is their contribution to the humane cause.

The following named persons contributed to our Radio programs: Miss Beulah Bartlett, Executive Secretary, and Mr. Earl Odell, Animal Agent of the St. Paul Humane Society; Homer B. Thomas, General Manager of The St. Paul Automobile Club; W. A. Peck, of South St. Paul, Regional Manager of the National Livestock Loss Prevention Board; Dr. Evar T. Cedarleaf, Veterinarian of Rural Ramsey County; Ferris Martin of Minneapolis, a director of The Animal Rescue League of Hennepin County, and Regional Director of the American Red Star Animal Relief; Prof. C. P. Bull, of the Minnesota Agriculture Department; Dr. D. L. Halver, of Shakopee, Minn., Veterinarian and President of the Minnesota State Veterinarian Medical Association; all of whom gave most interesting and informative talks on timely subjects. We received many fine compliments from our listeners. Your Agent, Mr. Nankivell, gave radio talks when others were unavailable.

We have had some very interesting cases during the year, some of which were most tragic and unprintable. In one case we were obliged to file a petition for a sanity test, which involved a grandmother aged 51, and her son 21. The son was committed to one of our State mental institutions.

Another outstanding case was that of a Western horse, which was clubbed to death during the process of breaking it in. Four men were involved. We filed a complaint against all four, one of which was a local constable of Mendota. They were tried and convicted at South St. Paul, and fined \$25.00 each.

Another case involved two boys who used a shot gun to drive cattle. No one seemed to object until they began using the shot gun on a neighbor's cows. The matter was then called to our attention. Upon a stern warning they desisted.

The mother, who is a widow, said she would see that it did not happen again, and as far as we know, there has been no further complaint. The father of the boys was killed by a horse he was beating. Truly, "like father, like son", at least in this case.

We had several cases against so-called Dude Ranches. The horses in some instances were abused and over-ridden by drug-store cow boys. We have had no further complaints against the abuse of horses of dude ranches since.

We had another odd case where thirteen donkeys were left in a pasture near St. Peter, Minnesota, by a barber of Mankato, which were without food or shelter. They were used in the summertime at recreational centers for youngsters to ride. We warned the owner and the animals were removed, and the conditions corrected.

We had several complaints of neglected goats, which were investigated and corrected.

We had a bad case of neglect of livestock in Dakota County. The owner left the farm for a few days period without returning to milk the cows, or feed the pigs and dogs, on the place. It seemed he was addicted to drink. The neighbors hearing the cows bellowing from pain, complained to the Sheriff, who in turn called us by long distance. We had the man arrested. He was located in a South St. Paul saloon. He pleaded guilty and was sentenced to thirty days in jail. Sentence was suspended provided the livestock was disposed of within thirty days and that he gave up farming. It so happened that both the livestock and the farm were mortgaged. He was put under supervision to see that the order of the Court was carried out.

We received a letter from the Chief of Police at Rochester, stating that the peace officials of thirteen counties in Southern Minnesota had a Convention. Among other things the question of transportation of poultry was discussed. It seems that chicken thieves were active and were transporting stolen chickens in sacks and when the chickens died in transit, they threw the sacks out along the highway.

They wanted cooperation in helping to have a law passed at the next session of the Legislature which would prohibit the use of sacks in transporting poultry. We advised them that there was already such a law and sent them a copy of our State Humane Laws, which prohibits the tying of the feet of any animals, which also includes poultry; that all poultry must be provided with suitable racks, crates or cages, in which they can both stand and lie down during transportation.

We advised them that all they had to do was to enforce the law. This seemed to solve their problem.

We had a case at Bethel, Minnesota, where the cyclone struck September 11th last. The barn was destroyed, and it seems that the owner had the barn insured for \$500.00. The Insurance Company had not made a proper settlement, so the owner stated. He appealed to our society for help. We took him to the State Insurance Commissioner, and he was advised to take legal action, and the Insurance Commissioner would see that the order of the Court was obeyed. We received a long distance call from Sheriff Kelley of Huston County, urging us to come to Caledonia to investigate a case involving some 25 or 30 starving dogs. Two bachelor brothers were living on the old family homestead. They were in their middle sixties, both of them mentally incompetent. On the advice of the County Attorney and the Judge we filed a petition for the appointment of a guardian. We also filed a complaint, charging cruelty to animals. The dogs were in a starving condition and were gnawing on ears of corn. One could count their ribs. The brothers were brought into court and upon our advice pleaded guilty on the promise that we would recommend a thirty day jail sentence and ask the Judge to suspend the sentence pending the disposal of the dogs within thirty days, which they promised to do. The court will also appoint a guardian to look after their interests. The premises were indescribable - one of the worst we were ever in. The case is still pending, which we will follow up.

At this time we would like to express our grateful appreciation to one

of our voluntary observers who reported several hundred cattle truck owners during the year for several violations, all of which were followed up with a letter of warning, and a pamphlet of the humane laws of our state, which also governs the transportation of livestock by truck or rail. Much as we would like to mention the name of this observer, we are pledged not to, for this particular observer works in a strategic position and would be heavily penalized if the name was revealed. I might also state that this particular party is a life member of our Society.

We have other voluntary observers, who have done good work, and whom we would also like to mention, but for obvious reasons, must remain anonymous.

We wish to take this opportunity to thank Mr. W. A. Peck of South St. Paul, who, as stated above, is Regional Manager of the National Livestock Loss Prevention Board, for his kind cooperation and valuable counsel. Mr. Peck has been a great help and encouragement in our work at South St. Paul, and last but not least we wish to express our sincere appreciation for the fine set of resolutions commending our Society which was passed unsolicited at the last Annual Meeting of the Minnesota State Veterinary Medical Society, commending our Society most highly and offering us their hearty cooperation and support, which reads as follows:

RESOLUTION (See Attached on Back)

The Society needs more funds with which to expand its work. The conservation of livestock is very important at this particular time, due to war conditions. It is as true today, as when Napoleon said it, that "an Army travels on its stomach", - no food, no army, nor anything else.

It is estimated that the annual loss throughout the nation in livestock, due to careless handling, is approximately 40 million dollars. Much of this loss could be prevented if we had sufficient men in the field to enforce the laws governing the handling and transportation of livestock. Will you speak or write to your representative in the legislature this winter and urge them to grant us sufficient funds with which to operate more efficiently. At the present time we are only able to employ a part-time office assistant. When your agent is out on case work, the office is closed in the afternoon. We were authorized by your executive board to attend an urgent meeting of the National Humane Conference at Albany, New York, October 15th and 16th, which is the headquarters of our National Humane Association, but due to the pressure of case work we were unable to get away and so missed the Conference.

JUNIOR HUMANE EDUCATION

A prominent Criminologist states: "I know of but few criminals who were taught to love animals, and searching for the cause of crime we find that the lack of humane education is the cause."

Solomon recognized this fact some twenty-seven hundred years ago, when he said, "Train up a child in the way he should go, and when he is old he will not depart from it."

With this thought in mind, we inaugurated our Junior Division in 1938. We have talked to many groups of young people on humane subjects, all of whom seemed eager to learn the facts and showed enthusiastic interest. May we read you a letter we received from Mr. J. E. Anderson, Superintendent of the Mankato Public Schools:

(Dated February 9, 1942)

"Thank you so much for your visit to our elementary and junior high schools last Friday. At the four assemblies you brought your message of prevention of cruelty to approximately 1300 boys and girls. You brought this message in such an informal yet effective way that I am sure that it will positively and constructively affect the lives of very many if not all of the children who had the privilege of hearing you. Most of these boys and girls will join the Junior Society for Prevention of Cruelty. Of that I am sure.

Your message was particular appropriate now when so much attention is being given to economic value and the conservation of wild life. I do hope that you may have the opportunity of speaking to all the school children of Minnesota, for you are doing constructive work which should be productive of much good.

The informal organization of the Junior Society for Prevention of Cruelty appealed to our teachers, principals and me, for it does require but little time and effort of the teachers and principals, who now, more than ever, have so many demands for their services.

Keep up the good work and may success attend you."

Since the organization of our Junior Division in 1938 we have enrolled over 14,000 junior members and are enrolling more every day. The children seem to love it. Livestock loss prevention through humane education is much more effective and far-reaching than prevention through prosecution.

We issued six life memberships during the year, as follows:

Mrs. Emil Massele, - - - - - South St. Paul
Miss Winnie Massele, - - - - - South St. Paul
Dr. D. L. Halver, - - - - - Shakopee
Mr. Harold L. Schaefer, - - - - Hopkins
Mrs. Harold L. Schaefer, - - - - Hopkins
Mrs. James Copeland, - - - - - St. Paul

Life memberships are Twenty-five Dollars. Money received for life memberships is added to the Endowment Fund.

The need is great; the funds are scarce; the workers are few.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 5 - 1943
Mark Johnson
Secretary of State

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Wm. H. ...
State