

HOUSE No. 241.

HOUSE OF REPRESENTATIVES, Jan. 24, 1899.

[Introduced on leave by Mr. HAYES of Lowell. Agriculture.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

To Abolish the Board of Cattle Commissioners and
to Provide for Enforcing the Laws Relative to
Contagious Diseases Among Animals.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The board of cattle commissioners
2 created by chapter three hundred and seventy-
3 eight of the acts of the year eighteen hundred
4 and eighty-five and acts amendatory thereto is
5 hereby abolished.

1 SECTION 2. The governor, with the advice
2 and consent of the council, shall appoint a cattle
3 commissioner and a deputy cattle commissioner.
4 The said commissioner shall exercise the powers
5 and perform the duties conferred and imposed
6 upon said board of cattle commissioners by the
7 laws in force at the date of the passage of this

8 act, except as hereinafter provided and except as
9 may be inconsistent with this act. The said
10 deputy commissioner shall assist said commis-
11 sioner in his duties and in the event of a vacancy
12 in the office of cattle commissioner, or during the
13 absence or disability of that officer, the deputy
14 commissioner shall perform the duties of the
15 office.

16 The cattle commissioner and his deputy shall
17 each receive five dollars per day of actual service
18 and their actual and necessary travelling expenses
19 incurred in the performance of their official duties.

1 SECTION 3. The cattle commissioner shall
2 co-operate with the local inspectors appointed
3 under the provisions of chapter four hundred and
4 ninety-one of the acts of the year eighteen hun-
5 dred and ninety-four and of acts in amendment
6 thereof and in addition thereto, and shall not,
7 except in cases of urgent necessity, employ any
8 other agents for the inspection, quarantining,
9 isolation, slaughtering and disposing of animals
10 suspected of being affected with disease.

1 SECTION 4. The use of tuberculin by the
2 cattle commissioner or his deputy or agents or by
3 any person authorized to carry out any of the
4 provisions of law relative to diseases among
5 domestic animals, as a diagnostic agent for the
6 detection of the disease known as tuberculosis in
7 domestic animals is hereby prohibited; and no
8 city or town shall hereafter require the use of
9 tuberculin in the examination of any cattle, and

10 no city or town shall prohibit the sale of milk
11 because the cows producing the same have not
12 been tested with tuberculin.

1 SECTION 5. Section forty-five of chapter four
2 hundred and ninety-one of the acts of the year
3 eighteen hundred and ninety-four, as amended by
4 section ten of chapter four hundred and ninety-
5 six of the acts of the year eighteen hundred and
6 ninety-five, is hereby amended by striking out the
7 whole of said section and inserting in place
8 thereof the following:—

9 *Section 45.* When the cattle commissioner or
10 any inspector appointed under the provisions of
11 chapter four hundred and ninety-one of the acts
12 of the year eighteen hundred and ninety-four, and
13 of acts in amendment thereof, by an examination
14 of a case of contagious disease among domestic
15 animals, becomes satisfied that the public good
16 requires it, such commissioner or inspector shall
17 cause such animal or animals affected therewith
18 to be securely isolated, or shall cause it or them
19 to be killed without appraisal or payment. Such
20 order of killing shall be in writing and may be
21 directed to the inspector or other person, and
22 shall contain such direction as to the examination
23 and disposal of the carcass, and the cleaning and
24 disinfecting of the premises where such animal
25 was condemned, as the commissioner or inspector
26 may deem expedient. A reasonable sum may be
27 paid out of the treasury of the Commonwealth for
28 the expense of such killing and of burial, if the
29 carcass is buried; but all animals so condemned

30 shall be killed and disposed of within the limits
31 of the city or town where they were condemned.
32 If it shall subsequently appear, upon post mortem
33 examination or otherwise, that such animal was
34 free from the disease for which it was condemned,
35 the value of the animal shall be paid for it to the
36 owner by the Commonwealth.

1 SECTION 6. The appraisal of the value of cat-
2 tle killed under the provisions of section forty-five
3 of said chapter four hundred and ninety-one, as
4 amended by section five of this act, shall be made
5 in towns by the selectmen, or such persons as
6 they may appoint, and in cities by such person or
7 persons as the mayor and aldermen may appoint.

1 SECTION 7. The sum of twenty-five thousand
2 dollars is hereby appropriated, to be paid out of
3 the treasury of the Commonwealth from the
4 ordinary revenue, for the purpose of meeting
5 expenses which may be incurred under this act
6 and in connection with the extermination of con-
7 tagious diseases among domestic animals, during
8 the year ending on the thirty-first day of Decem-
9 ber in the year eighteen hundred and ninety-nine.

1 SECTION 8. Chapter three hundred and seventy-
2 eight of the acts of the year eighteen hundred
3 and eighty-five and all acts and parts of acts
4 inconsistent with this act are hereby repealed.

1 SECTION 9. This act shall take effect upon its
2 passage.