

BREEDING OF HORSES

Act 72 of 1929

AN ACT to encourage the breeding of horses; to regulate the public service of stallions; to require the registration of stallions; to provide for the compilation and publication of statistics relative to horse breeding; to provide for a lien; to provide penalties for the violation of this act; and to repeal Act No. 256 of the Public Acts of 1911, as amended by Act No. 75 of the Public Acts of 1921.

History: 1929, Act 72, Eff. Aug. 28, 1929.

The People of the State of Michigan enact:

287.201 Stallions; enrollment, certificate; definitions.

Sec. 1. Every person, firm, association or company offering for use for public service any stallion in this state shall cause the name, description, pedigree and physical condition of such stallion to be enrolled by the commissioner of agriculture and shall procure a certificate of such enrollment from said commissioner. The word "stallion" whenever used in this act shall be construed to include "jack." The word "mare" whenever used in this act shall be construed to include "jenny."

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5278;—CL 1948, 287.201.

Former law: See Act 256 of 1911, being CL 1915, §§ 14881 to 14890.

287.202 Enrollment certificate; procedure to obtain.

Sec. 2. In order to obtain the enrollment certificate hereinafter provided for, the owner of each stallion shall forward to the commissioner of agriculture the stud book, certificate of registration, and any other document that may be necessary to define and describe such stallion, his breeding and ownership. The commissioner of agriculture shall examine and pass upon the merits of such pedigree and shall use as his standard of action the stud books and signatures of the duly authorized officers of the various pedigree registration associations, societies or companies recognized by him. Upon verification of the pedigree or certificate of breeding the commissioner of agriculture shall notify the owner of such stallion to this effect and shall proceed to examine such stallion at the owner's premises to determine the condition of soundness of such stallion. The commissioner of agriculture shall authorize the state veterinarian or his regularly appointed representative, to proceed at the time and place designated in said notice to said owner to make an examination of such stallion and shall certify to the best of his knowledge and belief the physical condition of such stallion, specifying the nature and extent of unsoundness, if any, of such stallion, and shall immediately forward such certificate to the office of said commissioner of agriculture.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5279;—CL 1948, 287.202;—Am. 1949, Act 224, Eff. Sept. 23, 1949.

287.203 Advertising stallions.

Sec. 3. Every bill or poster issued by the owner of any stallion licensed under the provisions of this act, or used by him or his agent for the purpose of advertising such stallion, shall contain a copy of the certificate of enrollment of such stallion, and said bills or posters shall not contain illustrations, reference to pedigree or other statements that are untruthful or misleading. Reference to such stallions in newspapers, stock papers and other advertising mediums shall contain the name of such stallion, number of certificate of enrollment, and shall designate in letters not smaller than pica the true breeding of such stallion as given in said certificate of enrollment.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5280;—CL 1948, 287.203.

287.204 Enrollment certificate; issuance, contents; refusal to issue; posting.

Sec. 4. The commissioner of agriculture shall issue enrollment certificates. Such enrollment certificate shall have a distinctive number and be such as to show the true breeding and physical condition of the stallion enrolled. The commissioner of agriculture may refuse to issue an enrollment certificate for any stallion in which stallion the presence of any 1 of the following named diseases in a transmissible, hereditary or contagious form shall be shown so as to render such stallion unsuitable to improve the horse stock of the state: Cataract; amaurosis (glass eye); periodic ophthalmia (moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus' dance, crampiness, shivering, string halt); bone spavin; ringbone; side bone; navicular disease; bog spavin; curb, with curby formation of hock; glanders, farcy; maladie du coit; urethral gleet; mange; melanosis; or any contagious or infectious disease. The commissioner of agriculture may refuse to issue an enrollment certificate for any stallion deemed unfit to improve the horse stock of the state. The owner of any stallion to whom an enrollment certificate shall

be issued shall post and keep affixed copies of such enrollment certificate in a conspicuous place both within and upon the outside of every building where such stallion is kept for public service.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5281;—CL 1948, 287.204;—Am. 1949, Act 224, Eff. Sept. 23, 1949.

287.205 Enrollment fees; expiration of certificate, renewal; transfer of ownership, fee; death; disposition of fees.

Sec. 5. A fee of 5 dollars shall be paid, by the owner of each stallion offered for enrollment, to the commissioner of agriculture at the time of the first application for a certificate of enrollment. The fee so paid shall be in full for the examination and enrollment of such pedigree, the physical examination of such stallion, and the issuance of a certificate of enrollment. Enrollment certificates shall expire December thirty-first of the year immediately following the year in which issued. The owner of any stallion whose certificate of enrollment has expired may make application for a new certificate of enrollment by filing with the commissioner of agriculture the last issued certificate of enrollment and paying a fee of 3 dollars on or before March fifteenth, in the year following such expiration, and a new certificate of enrollment shall be issued by the commissioner of agriculture to the owner of such stallion. Such certificate of enrollment shall expire December thirty-first of the year immediately following the year in which issued. Upon transfer of ownership of any stallion enrolled under the provisions of this act, the certificate of enrollment must be transferred to the new owner by the commissioner of agriculture upon submittal of satisfactory proof of such transfer of ownership and upon the payment of a fee by the owner of such stallion of 1 dollar. In case of death or change of ownership of any stallion enrolled under the provisions of this act, the owner of the same shall immediately inform the state commissioner of agriculture. All fees received by the commissioner of agriculture under the provisions of this act shall be paid into the state treasury to be credited to the general fund.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5282;—CL 1948, 287.205.

287.206 Powers of commissioner.

Sec. 6. The commissioner of agriculture is hereby authorized to provide for official examination of pedigrees and certificates of breeding and ownership, to issue license certificates for stallions enrolled under this act, to compile and publish statistics relative to horse breeding in Michigan and other information of value to the horse breeders of this state, and to incur such other reasonable expenses as may be necessary to carry out and enforce the provisions of this act.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5283;—CL 1948, 287.206.

287.207 Complaint; revocation of certificate; use of unenrolled stallion prohibited; exception.

Sec. 7. The commissioner of agriculture shall have the right at any time to take cognizance of any complaint reporting unsoundness of any stallion enrolled under the provisions of this act, and to examine such stallion if deemed necessary. In case any such stallion upon such examination shall be found to be unsound or not suitable to improve the horse stock of this state, the commissioner of agriculture shall revoke the certificate of enrollment issued to the owner of such stallion. No person, firm, company or association shall offer for use for public service, in this state any stallion which is not enrolled under the provisions of this act. The breeding of any mare with any stallion or jack shall be construed as offering said stallion or jack for public service: Provided, That nothing in this act shall be construed to prevent the individual owner of any unlicensed stallion or jack from breeding any mares kept on his own premises and of which mares he is the bona fide and sole owner.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5284;—Am. 1935, Act 223, Imd. Eff. June 8, 1935;—CL 1948, 287.207;—Am. 1949, Act 224, Eff. Sept. 23, 1949.

287.208 Stallions imported; examination, certification, fee.

Sec. 8. Every stallion brought into this state from another state or from a foreign country to be offered for sale or for public service shall, before any such sale or use is made, be examined by the state veterinarian, or his official representative, and certified by said state veterinarian, or his representative, that said stallion is free from hereditary, contagious, or transmissible unsoundness or disease and is of good formation and breed type and suitable to improve the horse stock of this state. A fee of 5 dollars shall be paid therefor before such examination is conducted: Provided, If application is made for enrollment before such examination is made said 5 dollars will also cover fee for enrollment.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5285;—CL 1948, 287.208.

287.209 Violation of act; penalty.

Sec. 9. Any person, firm, company or association violating any of the provisions of this act shall be

deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than 25 dollars nor more than 100 dollars, or by imprisonment in the county jail not more than 30 days, or by both such fine and imprisonment in the discretion of the court.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5286;—CL 1948, 287.209.

287.210 Lien for service of stallion, filing; sale of mare or foal; lien.

Sec. 10. Having complied with the provisions of this act, the owner of any stallion shall have a lien for the sum stipulated to be paid for the service thereof, upon the mare served by any such stallion in breeding thereof, and upon the offspring of such stallion by filing at any time within 18 months after the date of service, a statement of the account thereof, together with a description as to color, and white markings of the female served, and the name of the owner at the date of service, in the office of the register of deeds of the county wherein the owner of said female resided at the time of service. Such lien shall exist for a period of 1 year from the date of foaling of said colt, or if credit is given, from the expiration of the credit, and shall have priority over all other liens and encumbrances upon the offspring. Neither the mare nor the foal shall be sold within 18 months after the date of service, unless the service fee shall be paid, unless such sale shall be agreed to and approved in writing by the owner of the stallion at the time of the sale or transfer of the mare or foal. At any time after the offspring shall have been foaled, any person having such lien may enforce the same by the same proceedings and in the same manner as is provided by sections 13189 to 13192, inclusive, of the Compiled Laws of 1929: Provided, however, That the owner of any such stallion may institute suit to collect the lien in the county in which the mare is served.

History: 1929, Act 72, Eff. Aug. 28, 1929;—CL 1929, 5287;—Am. 1935, Act 223, Imd. Eff. June 8, 1935;—Am. 1939, Act 96, Eff. Sept. 29, 1939;—CL 1948, 287.210.

Compiler's note: For provisions of sections 13189 to 13192, referred to in this section, see MCL 570.188 to 570.191.