

## No. 111

## AN ACT

To amend the title and sections one, two, three, and four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to domestic animals, and providing for their appraisal when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," providing for the appraisal of condemned animals; denying compensation for dying and dead animals; regulating the disposition of appraised animals; the payment of salvage, and the rendering of statements thereof; and empowering the Department of Agriculture to adopt rules and regulations.

Section 1. Be it enacted, &c., That the title and sections one, two, three, and four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to domestic animals, and providing for their appraisal when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," are hereby amended to read as follows:

Title and sections 1, 2, 3, and 4, act of June 22, 1931 (P. L. 682), amended.

## AN ACT

Relating to domestic animals, and providing for their appraisal when [about to be slaughtered] *condemned* to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers.

Section 1. Be it enacted, &c., That the word "salvage," as used in this act, means the net proceeds an owner of a domestic animal, at the time of appraisal and [slaughter] *condemnation*, realizes from the sale of the *live animal, or the carcass, hide and offal* [to a butcher who actually slaughters the animal].

Domestic animals condemned to prevent spread of disease.

"Salvage," defined.

*The word "condemned," as used in this act, means that a domestic animal has been adjudged, by an authorized officer or agent of the Department of Agriculture, to be diseased and ordered to be slaughtered to prevent the spread of disease.*

"Condemned," defined.

Section 2. The Commonwealth hereby agrees to compensate owners of domestic animals [slaughtered] *condemned* to prevent the spread of disease. Such compensation shall be determined as follows:

Compensation of owners.

(a) The amount of compensation paid by the Commonwealth, together with the salvage and any compensation received by the owner from other sources, shall not in any case exceed ninety per cent of the appraised value of the animal; and

Determination of amount.

(b) The amount of compensation paid by the Commonwealth shall not in any case exceed the sum of sixty

dollars for a horse, jack or mule; forty dollars for a nonregistered bovine animal; seventy dollars for a pure bred registered bovine animal, ten dollars for a nonregistered sheep, goat or pig; twenty-five dollars for a pure bred registered sheep, goat or pig.

Claims for registered animals.

Claims for pure bred registered animals shall be supported by proper certificates of registration and transfer papers issued by recognized purebred registry associations.

Appraisal of animal.

Section 3. Whenever, to prevent the spread of disease, an authorized officer or agent of the Department of Agriculture may deem it necessary to order any domestic animal to be [slaughtered] *condemned*, the animal shall be appraised. [before being slaughtered. The] *No animal that is dead or in a dying condition shall be appraised, and no compensation shall be payable for such an animal.* An authorized officer or agent of the department and the owner of the animal may appraise and agree upon a fair market valuation of the animal, taking into consideration the physical condition of the animal, its condition as to disease, the nature and extent of the disease, the present and probable future effects of the disease on the animal, and the probable sums that may be obtained from salvage.

Agreement as to value.

When agreement cannot be had.

Whenever the officer or agent of the Department of Agriculture and the owner of an animal are unable or unwilling to agree on a fair market valuation for the animal, three appraisers shall be appointed—one by the officer or agent, one by the owner, and one by the two so appointed. If the owner shall refuse or fail to appoint his appraiser, an alderman, magistrate, or justice of the peace, shall, upon request of an officer or agent of the department, appoint an appraiser for the owner. Each appraiser so appointed shall be sworn to perform faithfully his duties as appraiser; and the alderman, magistrate, or justice of the peace shall be entitled to receive two dollars for his services.

Appraisers.

Oath.

Fee.

Compensation of appraisers.

The three appraisers so appointed shall appraise the animal as provided by this section. Each appraiser shall be entitled to receive three dollars for his services in appraising five or less animals, five dollars in appraising more than five and not more than twenty-five animals, and ten dollars for more than twenty-five animals so appraised. One-half of the entire cost appraisal, including the fee of the alderman, magistrate, or justice of the peace, shall be paid by the owner; and the other half by the Commonwealth. If the owner refuses or fails to pay his share of the entire cost of appraisal, the amount of the owner's share shall be deducted from any compensation that may be due the owner from the Commonwealth, and the Department of Agriculture shall cause the owner's one-half share of the costs of appraisal to be paid to the appraisers and the alderman, magistrate,

Payment of appraisal cost.

When owner fails to pay his share.

or justice of the peace in proper proportionate amounts.

Section 4. An animal that has been appraised under this act shall be disposed of by the owner, *under the supervision of an authorized officer or agent of the Department of Agriculture*, in accordance with the laws of this Commonwealth and the rules and regulations adopted by the Department of Agriculture.

Disposal of animals.

The salvage shall be paid directly to the owner by the [butcher] *buyer of the live animal, or the buyer of the carcass, hide and offal.* [who] *The buyer* shall promptly render an itemized statement of the salvage to the Department of Agriculture to enable it to determine the amount due by the Commonwealth to the owner.

Salvage, payment and report.

*The Department of Agriculture shall have the power to adopt, promulgate, and enforce all needful rules and regulations for the enforcement of this act.*

Rules and regulations.

Section 2. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE

No. 112

AN ACT

Authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor.

Whereas, The Commonwealth of Pennsylvania is the owner of certain land hereinafter described which was acquired as a site for the Cumberland Valley State Institution for Mental Defectives in the township of Lower Allen, Cumberland County, and which is in the custody and under the control of the board of trustees of the Cumberland Valley State Institution for Mental Defectives; and

Preamble.

Whereas, The board of trustees of the Cumberland Valley State Institution for Mental Defectives is desirous of improving the utility of the tract of land as acquired for the Commonwealth; and

Whereas, A triangular parcel of land, a part of the plot conveyed from Clara E. Best to the Commonwealth through the purchase of February nineteen, one thousand nine hundred and eighteen, consisting of four and five-tenths acres, is the only portion of the said plot lying north of the Reading Railroad in Lower Allen Township, Cumberland County, Pennsylvania, constitutes an undesirable condition for a mental institution, involving haz-