

persons owning or having in charge or possession such trespassing animal or animals, shall be liable to any party or parties sustaining such injury for all damages he, she or they may have sustained by reason of such trespassing aforesaid, to be recovered in a civil action before any court having jurisdiction thereof, in the county where such damage may have occurred, and the proceedings shall be the same in all respects as in other civil actions, except as herein modified ;

*Provided*, That no property shall be exempt, except those exemptions made absolute from seizure and sale under executions issued upon judgment obtained under or by virtue of this chapter ; and

*Provided, further*, That the party or parties claiming damages under the provisions of this chapter shall bring action in proper court to recover the same within sixty days after the infliction of such damages.

§ 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 9, 1883.

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## Wheat.

### CHAPTER 116.

AN ACT Regulating the Grading and Weighing of Wheat and for other purposes in the Territory of Dakota.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. LEGAL STANDARD FOR MEASURING.] There is hereby created a lawful standard for determining the grade of wheat in this Territory, which shall be the legal half bushel measure, and measured bushel by the same when weighed shall fix the grade of wheat in the number of pounds constituting the general grade of wheat as may be from time to time fixed or established by the Board of Grain Inspectors of this Territory as hereinafter provided and the several grades of wheat fixed and established under the

provisions of this act shall be a legal tender in payment or in fulfilling any contract stipulating to pay or deliver a like grade of wheat in this Territory.

§ 2. PENALTY FOR FALSE MEASUREMENT.] Any person, association or corporation or any representative thereof who shall knowingly cheat or falsely weigh any wheat or other agricultural product, or in the weight of the grade of wheat as prescribed and in force under the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine not less than fifty ( 0 ) dollars nor more than one hundred (100) dollars for each offense and the costs of prosecution or by imprisonment in the county jail not less than thirty days nor more than sixty days or both.

§ 3. DUTY OF THE BOARD OF INSPECTORS.] It shall be the duty of the Board of Grain Inspectors of the Territory to designate what shall be the means of filling the measure to be used under the provisions of this act in testing the grade of wheat, and to prescribe such methods as shall secure uniformity in determining the grades of wheat, and they shall require that all measures used and means of weighing employed in grading wheat to be sealed and stamped by them, or by the lawful sealer of weights and measures. Said Board of Grain Inspectors shall fix and designate the several grades of wheat to be in force each year after their annual meeting and cause to be published a circular for the use of grain dealers in the Territory, defining the rules and regulations to be observed in the grades of wheat and testing the same and naming such methods and devices therein to be used in the manner of filling the half bushel.

§ 4. DISTRICT ATTORNEY TO PROSECUTE.] It shall be the duty of the district attorney in each and every county in this Territory whenever it shall come to his knowledge by the affidavit of the party complaining or otherwise, or any other attorney as the complaining party that any person, association or corporation has violated in said county any of the provisions of this act to commence proceedings within ten days after receiving such affidavit or other information against the party so offending in the name of the Territory of Dakota, and all the costs of such prosecution shall be paid out of the funds of said Territory. That if for any reason the district attorney cannot immediately attend to any case brought before him as provided for in this section, the complaining party may employ any other attorney to prosecute the case;

*Provided, however,* That the complainant bear all the expense of the prosecution.

§ 5. FINES HOW DISPOSED OF.] All fines recovered under this

act shall be paid into the Territorial treasury and applied to the general fund of the Territory.

§ 6. GOVERNOR TO APPOINT BOARD.] It is hereby made the duty of the Governor by and with the advice of the Territorial Council to appoint three men in this Territory who are well skilled in agriculture, and who are not directly or indirectly interested in the business of buying and selling wheat; and it shall be the duty of said persons so appointed to have and exercise the powers conferred upon said Board of Grain Inspectors, and to carry out the provisions of this act as herein prescribed, for the term of two years and until their successors are appointed and qualified.

§ 7. COMPENSATION OF BOARD.] The Board of Grain Inspectors shall each receive the sum of five dollars per day for the time actually employed in the discharge of said duties and mileage of five cents per mile for the distance actually traveled in the discharge of said duties;

*Provided*, That no more than sixty days in any one year shall be allowed said commissioners for the transaction of their duties under this act.

§ 8. INSPECTORS' ACCOUNTS.] It is hereby made the duty of each member of said Board of Inspectors to render their sworn accounts for services and mileage to the chairman of said Board of Inspectors on or before the fifteenth day of each month for services performed by them during the preceding month, and it shall be the duty of said chairman to examine and if found correct to approve said accounts and forward the same, together with his own sworn accounts to the Territorial Auditor, to be audited by him.

§ 9. POWER OF INSPECTORS.] The said Board of Grain Inspectors shall have the power, at any time they deem necessary, to inspect any elevators, grain houses or warehouses, and in case of refusal of warehousemen or agents of elevators to allow said Inspectors to inspect their said elevators, grain houses or warehouses, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five hundred dollars and by imprisonment in the county jail not more than ninety days or less than sixty days or both such fine and imprisonment.

§ 10. GRAIN IN ELEVATORS TAXABLE.] All elevators, warehouses or grain houses and all machinery and fixtures therein, together with all grain in store and not in transit situated upon the line or right of way of any railroad corporation of this Territory, shall be taken and deemed for all purposes of assessment and taxation personal property, and the same shall be assessed as provided by law for the assessment of personal property.

§ 11. This act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1883.