

## AGRICULTURE.

### CHAPTER 3.

#### ESTABLISHING TERRITORIAL DEPARTMENT OF AGRICULTURE— TWO DISTRICTS.

AN ACT To Amend an act Entitled "An act to Create a Territorial Department of Agriculture and Relating to Agricultural Societies and Agricultural Fairs, and Providing for Reports of the Same.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota:* That said act be and is hereby amended to read as follows:

§ 1. DEPARTMENT OF AGRICULTURE CREATED—TWO DISTRICTS.] There is hereby created a Department of Agriculture, for the promotion of agriculture and horticulture, manufactures and domestic arts, which said department shall be divided into two districts, and shall be managed by boards styled district boards of agriculture, to consist of one person from each legislative district within the limits of the agricultural districts herein-after defined, and who shall be first appointed, by the governor, for the second district and for the year 1887; the persons composing the present board of agriculture who reside within the said first district, shall continue as the board of agriculture for said first district, and thereafter according to the provisions of this act. The board for district number one shall meet at Huron on the 29th day of March, 1887. And the board of district number two shall meet at Fargo on the twenty-ninth day of March, 1887, for the election of officers and for the locating of annual fairs, and annually thereafter on the fair grounds on the Wednesday, of the week of the annual district fairs. The members of said district boards shall be chosen as follows, by delegates or alternates, or the written proxies thereof, of their respective legislative districts, chosen by the several agricultural societies in counties where such societies exist in the following manner, to-wit: In counties having one agricultural society, such county may appoint three delegates; in counties having two agricultural societies, each society may appoint one delegate, who shall be entitled to one and one-half votes; in counties having three agricultural societies, each

society may appoint one delegate, and if either society shall neglect or refuse to appoint such delegate, the delegate or delegates appointed shall be entitled to cast the full vote of the county; and in counties where no agricultural society exists the delegates may be appointed by the board of supervisors or county board, as the case may be, each county to be entitled to three votes and no more, and each union or district agricultural society shall be accredited to that county in which its fair grounds or the greater part thereof shall be located. The members of said district boards shall enter upon the duties of their office on the second Tuesday of January succeeding their election, and hold office for one year and until their successors are elected and qualified. The district boards may fill any vacancy arising from any cause by appointment, from the district in which the vacancy may occur. All that portion of the Territory of Dakota lying south of the Seventh standard parallel shall be styled and known as district number one, and all that portion of the territory of Dakota lying north of said parallel shall be styled and known as district number two.

§ 2. SECRETARY.] Each district board shall appoint some person, not a member of the board, secretary, and fix his compensation, said compensation not to exceed two hundred dollars per annum, who shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board, and who shall perform such duties as usually pertain to the office of secretary or as shall be required of him by the district board.

§ 3. TREASURER.] Each district board shall also appoint some person, not a member of the board, as treasurer, and fix his compensation, said compensation not to exceed one hundred dollars per annum, who shall give bond in such sum and with such security as the board shall direct, conditioned for the faithful discharge of the duties of his office. He shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board. He shall keep an accurate itemized account of all money received by him and paid out, and make an annual report thereof to the district board, and make full settlement with the board.

§ 4. OFFICES.] The district boards shall keep offices for the transaction of business at places located by said boards at their annual meeting.

§ 5. POWERS OF DISTRICT BOARDS.] The district boards of agriculture in their respective names may contract and be contracted with; may purchase, hold or sell property; may sue or be sued in all courts or places; may hold district fairs and fat stock shows, at such times and places as the boards may determine, but this Territory shall never be liable for any debt or contract of said board.

§ 6. BOARDS HAVE CONTROL] The district boards of ag-

riculture shall have the sole control of the affairs of the Department of Agriculture, of all district fairs, and fat stock shows, and may make such by-laws and rules and regulations in relation to the Department of Agriculture and the management of the business of such department, and district fairs, and fat stock shows, and offering of premiums, as a majority of said board shall from time to time determine, not inconsistent with the constitution and laws of the Territory, or of the United States.

§ 7. **MONEYS APPROPRIATED.]** There shall be and is hereby annually appropriated out of any moneys in the treasury not otherwise appropriated, the sum of six thousand dollars, which said sum shall be paid in equal moieties to the district boards of agriculture, and which shall be used only in the payment of premiums and expenses contingent upon the holding of annual fairs. *Provided*, That nothing in this act shall be construed to authorize the expenditure of any of said moneys for the purchase of real estate, or the erection of any building or buildings.

§ 8. **ANNUAL REPORTS.]** The district boards of agriculture shall hold an annual meeting on the first Tuesday in December, and within ten days thereafter make and deliver to the Governor a report of their acts and doings, as required by law, and no other annual report shall be made by said boards.

§ 9. **REPORTS OF KINDRED ASSOCIATIONS.]** Said district boards of agriculture shall append to and publish with their respective reports the annual report of the Territorial Entomologist and such other reports or essays connected with agriculture, horticulture, manufactures or the domestic arts as in the judgment of the said board the interests of the Territory require; said annual report and appended essays not to exceed seven hundred printed pages, and one thousand copies of said report shall be published annually in pamphlet form by the Public Printer of the Territory at the contract rates, and the same shall be distributed jointly by the presidents of the respective district boards and the President of the Territorial Horticultural and Forestry Association, and a sufficient amount of money is hereby appropriated out of the Territorial Treasury to pay for publishing the same.

§ 10. **ANNUAL FAIRS—SPECIAL POLICE.]** It shall be lawful for the district boards of agriculture or other agricultural society at or before the time for holding its annual fair or fairs, to select and appoint as many persons to act in the capacity of special police as are by said societies deemed requisite to insure peace and good order on or about the grounds or place of holding such fair, for and during the holding of the same; *Provided*, That such person before entering upon the duties of special police shall receive his authority from, and take the oath of office before, any judge or justice of the peace or other officer authorized to administer oaths, residing or holding his office in the town or municipal corporation most contiguous to the fair grounds or place of holding

such fair, and shall receive from such judge or justice of the peace a certificate under seal of his appointment and authority to act as such special police, which shall be indicated by some appropriate badge of office, and when so authorized he shall be clothed with full police powers.

§ 11. TRESPASSING.] Whoever trespasses on any fair grounds to commit any depredations upon the property of any agricultural society, by cutting or destroying any timber or trees, breaking or carrying away any box, trough, stall, bench, fence, lock, door, gate, lumber or other appurtenances to any fair grounds, whether within or without the enclosure thereof, shall be fined not less than five nor exceeding two hundred dollars, and shall be liable civilly for all damages sustained by such unlawful act.

§ 12. SALE OF LIQUORS PROHIBITED.] Whoever shall keep any shop, booth, tent, wagon, vessel, boat or other place for the sale of spirituous liquors, or expose for sale, sell or otherwise dispose of any spirituous liquors, or engages at gaming at or within one-half mile of the place where any agricultural, horticultural or mechanical fair is being held, under the auspices of the district boards of agriculture, shall for each offense be fined not less than five nor more than one hundred dollars; *Provided*, This section shall not affect tavern keepers, distillers or others exercising their calling at their usual place of business.

§ 13. ARREST OF VIOLATORS.] Any person violating the provisions of the preceding section may be arrested upon view, or upon warrant, by any sheriff, coroner, constable, or other officer authorized to make arrest, and such officer may seize the booth, tent, wagon, vessel or boat and articles to be sold, and upon a judgment being rendered against the offender, the same may be sold upon the execution issued upon such judgment, and if sufficient property is not found to satisfy such fine, the offender may be committed to the county jail until the fine and costs are paid, or the prisoner discharged according to law.

§ 14. DEFINITION OF FAIR.] Wherever the word "fair" occurs in this act it shall be held to mean a *bona fide* exhibition of the four principal classes of live stock, together with agricultural and horticultural products and mechanical arts.

§ 15. COMPENSATION.] The officers of the district boards of agriculture, except the secretary and treasurer, shall serve without pay, but shall receive mileage at the rate of ten cents per mile one way from their home to the place of meeting of the society, and their necessary expenses while in the discharge of their duties, which shall be paid by the Territorial Treasurer upon a warrant issued and certified to by the president of the district boards of agriculture.

§ 16. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved, March 11, 1887.