

CONTAGIOUS DISEASES.

CHAPTER 32.

DOMESTIC ANIMALS—PROVIDING FOR APPOINTMENT OF TERRITORIAL VETERINARY SURGEON.

AN ACT to Suppress and Prevent the Spread of Contagious or Infectious Diseases Among Domestic Animals.

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

§ 1. VETERINARY SURGEON—HOW APPOINTED.] That the Governor of the Territory is hereby authorized to nominate, and by and with the advice and consent of the Council, appoint a competent veterinary surgeon who shall be known as the "Veterinary Surgeon," and on entering on his duties shall take an oath to well and truly perform his duties, as provided by law.

§ 2. DUTIES OF VETERINARY SURGEON.] The duties of said Territorial Veterinary Surgeon shall be as follows:

1. To investigate any and all cases of contagious or infectious diseases among cattle, horses, mules and asses in this Territory, of which he may have a knowledge or which may be brought to his notice by any resident in the locality where such disease exists; and it shall be his duty, in the absence of specific information, to make visits of inspection to any locality where he may have reason to suspect that there is contagious or infectious diseases.

2. To inspect, under the regulations of this act, all cattle, horses, mules and asses which may be brought into this Territory, in any manner whatever, from or through such state, territory or foreign country as the Governor shall declare by proclamation in quarantine for purposes of inspection for contagious or infectious diseases. And after the making of such proclamation, it shall be the duty of the owner or person in charge of any domestic animals or Texas cattle arriving in this Territory from or through any state, territory or foreign country against which quarantine has been declared, to notify the Veterinary Surgeon without delay, and not to allow such animals, or any of them, to leave the place of arrival until they shall have been examined by the said surgeon and his certificate obtained that all are free from disease; and no animal pronounced

unsound from disease by the Veterinary Surgeon shall be turned loose, or allowed to run at large, or removed, or permitted to escape, but shall be held subject to the order of the Veterinary Surgeon. Any person failing to comply with this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty (50), nor more than five hundred (500) dollars for each offense, and shall be liable for any damage and loss that may be sustained by any person or persons by reason of the failure of such owner or agent to comply with the provisions of this section; *Provided*, That the owner of horses, mules or asses, ridden under the saddle or driven in harness into this Territory, or the owner of oxen driven into this Territory under the yoke, and any person coming into this Territory with his team or teams, shall not be required to notify the Territorial Veterinary Surgeon, or await the inspection of such work oxen, team or teams, but he shall be liable for all loss or damage to any person or persons from or by reason of any contagious or infectious disease brought into this Territory by his animals, and no cattle, horses, mules or asses shall be held in quarantine in this Territory for a longer period than ninety (90) days, unless contagious or infectious disease shall be found to exist among them.

§ 3. VETERINARY SURGEON TO ORDER QUARANTINE—NOTIFY GOVERNOR—WHEN—EXPENSES HOW PAID.] In all cases of contagious or infectious disease among domestic animals or Texas cattle in this Territory, the Veterinary Surgeon shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in this Territory, the Territorial Veterinary Surgeon shall immediately notify the Governor of the Territory, who shall thereupon issue his proclamation forbidding any animal of the kind among which said epidemic exists to be transferred from said locality, without a certificate from the Veterinary Surgeon showing such animal to be healthy. The expenses of holding, feeding and taking care of all animals quarantined under the provisions of this act shall be paid by the owner, agent or person in charge of said stock.

§ 4. VETERINARY TO ORDER SLAUGHTER OF ANIMALS—WHEN.] In case of any epidemic diseases where premises have been previously quarantined by the Veterinary Surgeon as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all diseased animals upon said premises and of all animals that have been exposed to contagion or infection, under the following restrictions: Said order shall be a written one and shall be made in duplicate, and there shall be a distinct order and duplicate for each owner of the animals condemned, the original of each order to be filed by the Veterinary Surgeon with the Governor of the Territory, and the duplicate given to said owner. And, further, before slaughtering any animal or animals that have been exposed only and do not show disease, the Veterinary Surgeon shall call in con-

sultation with him two (2) respectable practicing veterinarians or physicians, residents of the Territory, or if this is impossible then two reputable and well known freeholders, residents of the Territory, and shall have written indorsements upon his order of at least one of said consulting physicians or freeholders, stating that said action is necessary, before such animal or animals shall be slaughtered.

§ 5. SLAUGHTERED ANIMALS—HOW APPRAISED.] Whenever, as herein provided, the Veterinary Surgeon shall order the slaughter of one or more animals, he shall, at the time of making such order, notify in writing the nearest available justice of the peace, who shall thereupon summon three disinterested citizens, who shall be freeholders of the neighborhood, to act as appraisers of the value of such animals. Said appraisers before entering upon the discharge of their duties shall be sworn to make a true and faithful appraisal, without prejudice or favor. They shall after making their appraisal return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, ear marks, wattles, age, sex and class, as to whether American, half-breed or Texas) to the justice of the peace by whom they were summoned, who shall, after entering the same upon his record and making an indorsement upon each, showing it to have been properly recorded, return it, together with the duplicate order of the Veterinary Surgeon, to the person or persons owning the animals slaughtered; and it shall be the duty of the Veterinary Surgeon to superintend the slaughter of such animals as may be condemned and also the destruction of the carcass, which latter shall be by burning to ashes or burying the same, which burial shall not be less than six feet under the ground, and shall include every part of the animal, including excrement, as far as possible, and the hide shall be so cut and scarified as to be useless. He shall cause the said slaughter, burning or burial to be done as cheaply as practicable.

§ 6. GOVERNOR GIVES NOTICE TO COUNTY COMMISSIONERS—WHEN—ANNUAL REPORTS.] The Veterinary Surgeon shall make a report at the end of every year, to the Governor, of all matters connected with his work, and the Governor shall transmit to the several boards of county commissioners such parts of said report as may be of general interest to the breeders of live stock. The Governor shall also give information in writing, as soon as he obtains it, to the various boards of county commissioners, of each cause of suspicion or fresh eruption of disease in each locality, its cause, and the measures adopted to check it.

§ 7. GOVERNOR ISSUES PROCLAMATION—WHEN—PENALTY FOR VIOLATION.] Whenever the Governor of the Territory shall have good reason to believe that any disease covered by this act has become epidemic in certain localities in another state or territory or foreign country, or that conditions exist which render domes-

tic animals and Texas cattle liable to convey disease, he shall thereupon, by proclamation, schedule such localities and prohibit the importation from them of any live stock of the kind diseased into this Territory, except under such restrictions as he, after consultation with the Territorial Veterinary Surgeon, may deem proper. Any corporation or any person or persons who, after the publication of such proclamation, shall knowingly receive in charge any such animal or animals from any one of said prohibited districts and transport or convey the same within the limits of this Territory, shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than \$1,000, and not more than \$10,000 for each and every offence, and shall further become liable for any and all damages and loss that may be sustained by any person or persons by reason of the importation or transportation of such prohibited animals.

§ 8. DUTY OF PERSON HAVING KNOWLEDGE TO REPORT SAME—PENALTY.] It shall be the duty of any person or persons who shall have or suspect that there is upon his or their premises, or upon the public domain, any case of contagious or infectious disease among domestic animals or Texas cattle, to immediately report the same to the Territorial Veterinary Surgeon, and a failure so to do, or any attempt to conceal the existence of such diseases, or to wilfully or maliciously obstruct or resist the said Territorial Veterinary Surgeon in the discharge of his duty as hereinbefore set forth, shall be deemed a misdemeanor, and any person or persons who shall be convicted of any one of the above acts or omissions shall be fined not less than \$50 nor more than \$500, for each and every such offense and shall forfeit all claims to indemnity for loss from the Territory; and upon conviction a second time shall, in addition to the above named fine, be imprisoned in the county jail for a term not less than thirty days nor more than six months.

§ 9. REGULATIONS.] The following regulations shall be observed in all cases of disease covered by this act:

1. It shall be unlawful to sell, give away, or in any manner part with any animal affected with or suspected of being affected with contagious or infectious disease; and in case of any animal that may be known to have been affected with or exposed to any such disease within one year prior to such disposal, due notice of the fact shall be given in writing to the party receiving the animal.

2. It shall be unlawful to kill for butcher purposes any such animal; to sell, give away, or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor; and on conviction shall be punished by a fine not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500). It shall be the duty of the owner or person having in charge any animal affected with or suspected of being affected with any contagious or infectious dis-

ease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease until the arrival of the Veterinary Surgeon. The above regulations shall apply as well to animals in transit through the Territory as to those resident therein; and the Veterinary Surgeon, or his duly authorized agent, shall have full authority to examine, whether in car, or yards, or pastures or stables, or upon the public domain, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, take possession of and treat and dispose of animals in the said manner as is prescribed for animals resident in the Territory.

§ 10. CLAIMS AGAINST THE TERRITORY—HOW PAID.] All claims against the Territory arising from the slaughter of animals under the provisions of this act shall, together with the order of the Veterinary Surgeon and the valuation of the appraisers in each case, be submitted to the Governor, who shall examine them without unnecessary delay, and for each one that he finds to be equitable and entitled to indemnity under this act, shall issue his warrant on the stock indemnity fund in the hands of the Territorial Treasurer, for the sum named in the appraiser's report, to the person so entitled thereto. In auditing any claim under this act it shall be the duty of the Governor to satisfy himself that it does not come under any class for which indemnity is refused by this act, and he shall require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then to some reputable person who is cognizant thereof, and also the affidavit of the Veterinary Surgeon, whose duty it shall be to inform himself fully of the facts, that in his opinion the claim is legal and just, and the Governor may, at his discretion, require further proof.

§ 11. CARCASS—HOW DISPOSED OF—DUTY OF PERSON HAVING AFFECTED BOVINE.] It shall be the duty of any person or persons owning or having in their possession any bovine affected with any of the following diseases, viz: Rinderpest, foot and mouth disease, pleuro pneumonia, anthrax or Texas fever, or any equine affected with glanders, to immediately notify the Veterinary Surgeon, who shall destroy or cause to be destroyed the same by burning to ashes, or burying the same, which burial shall not be less than six feet under ground, and shall include every part of the animal, and the hide shall be so cut and scarified as to be useless. Any person or persons who shall fail, or neglect to comply with this provision shall be guilty of a misdemeanor, and shall be punished by a fine not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and the owner or owners of such diseased animal or animals shall further be liable for any or all damages and loss that may be sustained by any person by reason of failing to comply with the foregoing provision.

§ 12. RIGHT TO INDEMNITY LIMITED.] The right to indemnity

under this act is limited to animals destroyed by reason of the suspected existence of some epizootic disease, generally fatal and incurable, such as rinderpest, hoof and mouth disease, pleuro pneumonia, anthrax or Texas fever among bovines and glanders among horses.

§ 13. VALUE OF ANIMALS—HOW DETERMINED.] The indemnity granted shall be the ordinary value of the animal, as determined by the appraisers, without reference to its diminished value caused by the suspected existence of disease, or by having been exposed to any of the contagious diseases last above enumerated. It shall be paid to the owner upon his application and the presentation of the proofs prescribed herein; and it shall be the duty of said owner to make such application within six months after the slaughter of the animal for which payment is claimed, finding which, such claim shall be barred by limitation. Such payment shall be made by the Territorial Treasurer, as herein provided, and from the fund provided by this act; *Provided, however*, That no bovine shall be appraised for a higher value than fifty dollars (\$50.00), except registered pedigreed animals, which shall not be valued to exceed one hundred and fifty dollars (\$150.00). No equines shall be appraised for a higher value than one hundred dollars (\$100.00), except registered pedigreed animals, which shall not be valued to exceed three hundred dollars (\$300.00.)

§ 14. INDEMNITY NOT ALLOWED—WHEN.) The right to indemnity shall not exist, and payment of such shall not be made in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the Territory contrary to the provisions of this act.
3. For animals that are found to be diseased or that are destroyed because they have been exposed to disease before or at the time of their arrival in the Territory, or for animals that have been shipped into the Territory from any infectious or quarantined locality.
4. When an animal was previously affected by any other disease which from its nature and development was incurable and necessarily fatal.
5. When the owner or person in charge shall have knowingly or negligently omitted to comply with the provisions of sections eight and nine of the act.
6. When the owner or claimant at the time of coming into possession of the animal knew it to be diseased, or received the notice specified in the first clause of section nine of this act.
7. When the animal or animals have been brought into the Territory within ninety days immediately preceding the outbreak of disease among or upon them.

§ 15. SALARIES AND FEES.] The Veterinary Surgeon shall receive for his services the sum of \$2,500 per annum, together with his necessary traveling expenses, actually paid out when in per-

formance of his duty. These payments shall be made from any funds in the Territorial Treasury not otherwise appropriated, upon itemized vouchers, signed and sworn to by him and submitted to the Territorial Auditor, who shall draw warrants upon the Territorial Treasurer for the amounts, if found correct, separate vouchers being made for salary and expenses. No person shall be competent under this act to receive the appointment of Veterinary Surgeon who is not at the date of his appointment a graduate in good standing of a recognized college of veterinary surgeons, and of not less than five years actual practice. He shall hold his office for two years. He may be removed for cause by the Governor, who shall also have power to fill the vacancy as hereinbefore provided. The appraisers herein provided for shall each receive three dollars for each day or part of a day they may be actually employed as such, which shall be paid from the Territorial Treasury, out of the stock indemnity fund hereinafter provided, upon vouchers which bear the certificate of the justice who summoned them. The justice of the peace shall receive for his services the fees provided by law for similar services, to be paid out of the county general fund. The veterinarians, physicians, or freeholders called in consultation by the Veterinary Surgeon shall each receive three dollars for each day or part of a day they may be actually so employed, and five cents per [mile] mileage for distance necessarily traveled, which sums shall be paid from the Territorial Treasury out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by the Veterinary Surgeon, and other incidental expenses connected with his work, and made his duty by this act, such as causing animals to be slaughtered and their carcasses to be burned or buried, and disinfecting infected premises, shall be paid from the Territorial Treasury, out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by him under oath. Before entering upon the discharge of his duties he shall give a bond to the Territory of Dakota with good and sufficient surety, in the sum of ten thousand dollars, conditioned for the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the Veterinary Surgeon receive any mileage.

§ 16. LIABILITY OF TERRITORY LIMITED.] The liability of the Territory for indemnity for animals destroyed, and for fees, costs and expenses incurred under the provisions of this act, in any year, is limited by and shall in no case exceed the amount especially appropriated for that purpose and for that period, by the terms of this act, nor shall the Veterinary Surgeon or any one else incur any liability on the part of the Territory, under the provisions of this act, in excess of the surplus in the stock indemnity fund hereinafter provided; nor shall any act be performed or property taken under the provisions of this act that will become a charge against the Territory of Dakota, further than to the extent provided by said stock indemnity fund.

§ 17. STOCK INDEMNITY FUND—HOW PROVIDED.] Hereafter it shall be the duty each year of the Territorial Board of Equalization, at the time of making the annual assessment, to levy a special tax not exceeding one mill on the dollar upon the assessed value of all cattle, horses and mules in the Territory, to be known as the stock indemnity fund. Said tax shall be levied and collected by the several counties and paid to the Territorial Treasurer in the manner provided by law for the levying, collection and payment of other Territorial taxes. Said fund shall constitute the stock indemnity fund specified by this act, to be used in paying for animals destroyed under the provisions thereof. It shall be used exclusively for that purpose, and shall be paid out by the Territorial Treasurer as hereinbefore provided for.

§ 18. VETERINARY SURGEON SELECTS PLACE OF QUARANTINE.] The Veterinary Surgeon shall select the place or places where stock shall be quarantined.

§ 19. FINES—HOW PLACED.] All fines collected under the provisions of this act shall be paid into the Territorial Treasury and placed at [to] the credit of the "stock indemnity fund."

§ 20. REGARDING DEPUTIES.] The Veterinary Surgeon shall have the power to appoint from time to time, by and with the consent and approval of the Governor, deputies, (not exceeding five in number, at any time he cannot personally attend to all the duties required by his office,) at a salary not to exceed \$5 per day for each day actually employed, to be paid out of said stock indemnity fund, and shall designate the county or counties for which each deputy is to act. All acts performed by such deputies shall have the same effect as if done by the Territorial Veterinary Surgeon.

§ 21. ATTORNEY GENERAL OR DISTRICT ATTORNEY PROSECUTES—FEES OF.] It is hereby made the duty of the Attorney General or district attorney of the respective counties, to prosecute any case complained of for prosecution, in any justice or district court within the jurisdiction of which any violation of this act may have been had, and on conviction of violating any of the provisions of this act, the court may award in addition to the penalties prescribed by law, and add to the judgment, such attorney's fees and costs of prosecution as the court may determine just in the premises.

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

Approved, March 11, 1887.

CHAPTER 33.

SHEEP.

AN ACT to Prevent the Spread of Contagious Diseases Among Sheep.

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

§ 1. SHEEP AFFECTED TO BE QUARANTINED.] That the owner, or the person in charge of any sheep which are now or shall hereafter be affected with the scab, or any infectious or contagious disease, shall keep the said sheep securely within some enclosure, or shall herd them at a distance of not less than six miles from all farms, corrals, sheds, or other established headquarters, where sheep are kept or are being herded; *Provided*, That any person owning sheep affected with the scab, or any infectious or contagious disease who, prior to the passage of this act, established headquarters, shall be allowed to range such sheep upon the public domain within six miles in any direction of such established headquarters; *Provided further*, That such sheep shall not be allowed to range within three miles of any other headquarters, unless the other headquarters be less than six miles distant, in which case such sheep shall not be herded nearer to the other headquarters than a distance equal to one-half of the distance between the two headquarters.

§ 2. SHEEP AFFECTED NOT TO BE DRIVEN ON HIGHWAY.] It shall be unlawful for any person or persons owning sheep affected with the scab or any infectious or contagious disease, to drive, or permit the same to be driven, upon any public highway, or within the distance of one mile of any such highway, or within six miles of any farm, corral, shed or other established headquarters where sheep are kept or being herded.

§ 3. OWNERS OF SHEEP MAY EXAMINE OTHER FLOCKS—WHEN.] Any person owning sheep, or any one in his employ, shall have the right to examine any band of sheep that shall be driven within six miles of his headquarters, and any person or persons in charge of such sheep shall stop them and allow them to be examined, and shall render the necessary assistance in catching and examining them. If the person so in charge of such sheep refuse to render the assistance as above required, he shall be punished as hereinafter provided.

§ 4 PENALTY FOR SPREADING INFECTION—FELONY—WHEN.] Any person who shall knowingly carry or drive or cause to be carried or driven, one or more sheep affected with the scab, or any infectious or contagious disease, into a herd of sheep belonging to

another person, or shall knowingly carry or cause to be carried, the "parasite" which causes such scab or disease, and place it where another person is corraling or herding sheep, so that such sheep may become affected thereby, shall be adjudged guilty of a felony, and upon conviction thereof shall be confined in the Territorial Prison not less than five years nor more than ten years, and be fined in any sum not less than \$1,000.

§ 5. PUNISHMENT FOR VIOLATION.] Any person who shall be convicted of the violation of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$100 nor more than \$600.

§ 6. LIABLE IN DAMAGES—WHEN.] Any person violating any of the provisions of this act shall be liable in damages to any person or persons injured thereby, directly or indirectly, to be recovered in a civil action in any court of competent jurisdiction.

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

Approved, March 11, 1887.

CORPORATIONS.

CHAPTER 34.

BUILDING AND LOAN ASSOCIATIONS.

AN ACT To Amend Sections Two, Three, Four, Five, Eight, Nine and Nineteen of Chapter Thirty-four of the Laws of 1885, Entitled "An Act to Provide for the Incorporation and Regulation of Building and Loan Associations."

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

§ 1. CAPITAL STOCK.] Section two of said act be and the same is hereby amended to read as follows: "The capital stock of any corporation created by virtue of this act shall at no time consist of more than two thousand five hundred shares, of two hundred dollars each, or five thousand shares of one hundred dollars each, the installments on which stock are to be paid at such time and place as the by-laws shall appoint, no peri-