

AGRICULTURE.

CHAPTER 7.

AMENDMENT OF CERTAIN SECTIONS.

AN ACT to Amend Sections 1, 5, 6, 7, 9, 12, 13, and 15 of Chapter 3 of the General Laws of 1887, entitled "An Act to Create a Territorial Department of Agriculture and Relating to Agricultural Societies and Agricultural Fairs, and Providing for Reports of same."

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

§ 1. TWO DISTRICTS.] That sections 1, 5, 6, 7, 9, 12, 13 and 15, of chapter 3 of the General Laws of 1887, entitled: "An act to create a Territorial Department of Agriculture, and relating to Agricultural societies and Agricultural fairs, and providing for reports of same," are hereby amended to read as follows:

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 hereinafter defined, and who shall be first appointed by the Governor for the second district and for the year 1887, the persons comprising 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 location of annual fairs, and annually thereafter at their first annual meeting.

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. Delegates so chosen, shall meet and cast their votes for their respective members on the fair grounds on the Wednesday of the week of the annual fairs. In case of a tie election it shall be decided by chance. 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.

§ 5. POWERS OF DISTRICT BOARDS.] The district boards of agriculture in their respective names may contract and be contracted with; may hold meetings for the necessary transaction of business; may purchase, hold or sell property; may sue or be sued in all courts of justice; may hold district fairs, farmers' institutes, and fat stock shows, at such times and places, as the board 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 agriculture shall have the sole control of the affairs of the Department of Agriculture of all district fairs, farmers' institutes, 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, farmers' institutes, 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. MONIES APPROPRIATED.] There shall be and is hereby annually appropriated out of any moneys in the treasury not otherwise appropriated, the sum of ten 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.

§ 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 said board the interests of the Territory require; said annual reports and appended essays not to exceed seven hundred printed pages, and one thousand copies of said report shall be published annually in pamphlet form, and the same shall be distributed jointly by the presidents of the 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.

§ 12 SALE OF LIQUOR 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 engage 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 or county boards of agriculture, shall for each offence be fined not less than five, nor more than one hundred dollars; *Provided*, This section shall not affect tavern keepers, distillers or others actually exercising their calling at their usual place of business, six months immediately preceding the holding of the fair.

§ 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 and destroy such articles of gaming or liquors, and hold the booth, tent, wagon, vessel or boat 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.

§ 15. COMPENSATION.] The officers and members 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.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EFFECT—WHEN.] This act shall take effect and be in force from and after its passage.

HOUSE OF REPRESENTATIVES,
BISMARCK, D. T., March 5, 1889. }

I hereby certify that on the 5th day of March, 1889, this act was returned to the House of Representatives the House in which it originated without the approval of his Excel-

lency, Governor Louis K. Church, and with his objections to this bill in writing; that said objections were entered at length on the journal of the House, that the House considered the bill, and the question put by the Speaker, "Shall this bill pass the objections of the Governor to the contrary, notwithstanding?" The roll was called, and the bill did pass, more than two-thirds of the members present and voting, voting in the affirmative.

Attest: JNO. G. HAMILTON, Chief Clerk. H. H. KEITH, Speaker of the House.

COUNCIL CHAMBER,
BISMARCK, D. T., March 5, 1889. }

I hereby certify that the within act, together with the objections of His Excellency, Governor, Louis K. Church, was received from the House on the 5th day of March, A. D. 1889; that the objections of the Governor were read at length and entered upon the journal of the Council; that thereupon the question was put, "Shall this bill pass, the objections of the Governor to the contrary, notwithstanding." The roll was called and the bill did pass, more than two-thirds of the members present and voting, voting in the affirmative.

Attest: R. E. WALLACE, Chief Clerk. SMITH STIMMEL, President of the Council.

ANIMALS.

CHAPTER 8.

PROHIBITION OF THE IMPORTATION SALE OR EXPOSURE OF INFECTED.

AN ACT, To prohibit the importation, sale or exposure of infected animals and to prescribe punishments therefor.

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

§ 1 MISDEMEANOR.] If any person knowingly import or bring into this Territory any horse, mule or ass affected by the disease known as glanders or buttonfarcy, or suffer the same to run at large upon any common, highway or uninclosed land, or use, tie or keep the same in any public place, stable or barn, or sell, trade or offer to sell or trade any such horse, mule or ass, knowing or having good reason to believe the same to be so diseased, he shall be deemed guilty of a misdemeanor and shall on conviction be punished by a fine of not less than fifty nor more than five hundred dollars, and in default of payment shall be imprisoned for any period not exceeding twelve months or by both such fine and imprisonment in the discretion of the court.

§ 2. EFFECT WHEN.] This act shall take effect and be in force from and after its approval.

Approved March 7, 1889.