

## TONGUE RIVER.

## CHAPTER 129.

## TO PREVENT NUISANCE IN OR NEAR SAME.

AN ACT to Preserve the Waters of Tongue River and its Tributaries for Domestic and Drinking Purposes.

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

§ 1. WHAT IS DECLARED UNLAWFUL.] That it shall be unlawful for any person, persons, society or corporation to keep any stock, horses, cattle, sheep or swine in any stable, shed, pen, yard or corral within or upon the banks of Tongue River, or any of its tributaries, or nearer than sixty (60) feet to the top of the bank of said water course, or to use or maintain any privy or privy vault within or upon the bank of Tongue River or any of its tributaries, or nearer than sixty (60) feet to the top of the bank of said water course or to maintain any slaughter house, or slaughter any animal within eighty (80) rods of said water course, or to place or cause to be placed any manure, offal of any kind, carcasses of dead animals or other refuse matter offensive to the sight or smell or deleterious to health, into the Tongue River, or any of its tributaries, or within or upon the banks of the same, in such proximity that the said substance may be washed into said water course.

§ 2. OTHER PROHIBITIONS.] That it shall be unlawful for any person, persons, society or corporation to locate any grave yard or cemetery, or to bury or cause to be buried, the dead body of any human being, or of any animal within eighty (80) rods of said water course.

§ 3. DISCONTINUANCE.] It shall be the duty of every person, persons, society or corporation maintaining any grave yard or cemetery or having buried their dead within eighty (80) rods of said water course, to discontinue the use of such grave yard or cemetery, and to remove all such dead bodies within one hundred and twenty (120) days after the passage and approval of this act.

§ 4. MISDEMEANOR.] That any person offending against any of the provisions of this act shall be guilty of a misdemeanor, and shall

be subject to a fine not exceeding one hundred (100) dollars to be recovered before any Justice of the Peace or Judge of the county in which the offense is committed.

§ 5. ABATEMENT—FINE.] That, upon conviction, the Justice of the Peace, or Judge before whom such conviction is had, shall order such person, persons, society or corporation to remove the cause or causes of such offense, whether it be stables, sheds, yards, pens, corrals, slaughter houses, privies, privy vaults, manure, offal of any kind, carcass of dead animals, grave yard or cemetery or the buried dead body of any human being or animal or other cause, and to discontinue the use of the same in such proximity to said water course, and for each day's delay in removing the same, after being so ordered, he or they shall be liable to a fine of five (5) dollars. The fines mentioned in this act shall be recovered upon complaint of any person and be disposed of as other fines.

§ 6. DUTY OF CONSTABLES.] It shall be the special duty of each constable of each township through which Tongue river or any of its tributaries flow to make an inspection of said water course throughout its entire course in their respective townships. The constables shall act jointly so far as possible in making such inspection, and the said inspection shall be made three times annually, viz: In March, July and October of each year. But the failure of one constable to act shall not excuse the other, and it shall be the duty of either, or both jointly, to enter complaint before one of the Justices of the Peace of his or their township of each infringement of any of the provisions of this act. Whereupon such justice of the peace shall issue a warrant for the arrest of the person or persons so offending and shall place the same in the hands of one of the constables who shall forthwith arrest such offenders. And the Justice of the Peace, or any Judge before whom such complaint is made, shall immediately notify the County Attorney, and it shall be the special duty of the County Attorney of such county to attend before such Judge or Justice of the Peace, and to prosecute all such offenses in the name of the Territory of Dakota, as in other criminal matters, and every Constable, Judge, Justice of the Peace and County Attorney who shall fail or neglect to perform his duty as herein provided shall forfeit his office.

§ 7. REMOVAL BY OFFICER—TAX.] *Provided*, further, that if the person, persons, society or corporation so convicted and ordered as provided in the preceding sections, shall fail or neglect for ten (10) days to discontinue and remove such offense, or cause of offense, it shall be the duty of such Judge or Justice of the Peace to order the Constables of such township to remove the same, and such Constables shall render to such Judge or Justice of the Peace a sworn itemized statement of all expenses incurred for such removal, and such Judge or Justice of the Peace shall transmit the same to the board of township supervisors, who shall audit the same as a special tax against the personal and real property of the party so offending,

and transmit an account of the same to the County Auditor who shall also audit the same and charge as a special tax against the property of the person or persons offending, and the same shall be collected as other taxes and credited to the special tax of the proper township in which such property is situated.

§ 8. FEES OF OFFICERS.] The officers herein mentioned shall be entitled to charge and receive the same fees as in other criminal cases, to be paid in the same manner as in other criminal cases, except that the constables shall receive their compensation from their townships in the same manner as other township expenses are paid.

Approved March 8th, 1889.

## UNASSIGNED AMENDMENTS.

### CHAPTER 130.

#### AGRICULTURAL COLLEGE BONDS.

AN ACT to Amend Sections 1 and 2, of Chapter 10, Laws of 1887.

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

§ 1. AMENDMENT.] That Sections 1 and 2, of Chapter 10, of the Laws of 1887, be and the same are hereby amended by striking out the word "January" wherever the same may appear in said sections, and inserting in lieu thereof the word "March."

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

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

Approved, February 15, 1889.