
STOCK.

CHAPTER 116.

[S. B. No. 178.]

PROVIDING FOR APPOINTMENT OF SHEEP INSPECTORS.

AN ACT to Provide for the Appointment of Sheep Inspectors and to Provide for the Supervision of Sheep in Case of Infection.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SHEEP INSPECTOR—HOW APPOINTED—TERM OF OFFICE.] The county commissioners of any organized county shall, upon the presentation of a petition signed by ten wool growers of said county, appoint a sheep inspector who is acquainted with the diseases to which sheep are subject, and who shall be a citizen of the county for which he is appointed, who shall hold his office for two years, unless sooner removed. Such inspector may appoint as many deputies as he may deem necessary.

§ 2. DUTIES OF SHEEP INSPECTORS.] It shall be the duty of the sheep inspector whenever he has knowledge or information that any sheep within his jurisdiction have the scab or any other malignant contagious diseases, to inspect said flock and report in writing the result of his inspection to the State Veterinarian, to be filed by him for reference for the county commissioners or any party concerned, and if so diseased, once every four weeks thereafter to reinspect said flock and report in writing the result and treatment, if any, in the same manner until said disease is reported cured.

§ 3. DUTY OF OWNER OR AGENT OF DISEASED STOCK.] The owner, or his agent, of any flock reported by the inspector to be so diseased shall immediately herd them so that they cannot range upon or within one mile of any grounds accustomed to be ranged upon by any other sheep, or shall restrain them from passing over or traveling upon or within one mile of any public highway or road, and in case this cannot be done he shall immediately remove said sheep to a locality where they shall not be permitted to range within less than five miles of any other flock of sheep, and said sheep shall continue to be herded under the restrictions until, upon inspection, they shall be reported free from such disease.

§ 4. SHEEP AFFECTED TO BE QUARANTINED.] 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 or [of] not less than five 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 five 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 five 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.

§ 5. OWNER 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 five 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 sheep refuse to render the assistance as above required he shall be punished as hereinafter provided.

§ 6. 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 corralling or herding sheep so that such person may become affected thereby, shall be adjudged guilty of a misdemeanor and upon conviction thereof shall be confined in the State Prison not more than five years or in the county jail not exceeding one year, and shall pay a fine of not less than one hundred (100) dollars, nor more than \$1,000 or by both such fine and imprisonment in the discretion of the court.

§ 7. PENALTY FOR VIOLATION.] 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.

§ 8. OATH AND BOND OF INSPECTORS.] Every inspector before entering upon the duties of his office shall take oath of office prescribed by law and shall give bond to the State of North Dakota in the sum of \$1,000 with good sureties, conditioned that he will faithfully perform the duties of his office; such bond shall be approved by the board of county commissioners.

§ 9. BOND RECORDED, WHERE.] Such bond with the oath indorsed thereon shall be recorded in the office of the clerk of the district court for the county in which the inspector shall reside

and may be sued on by any person injured on account of the unfaithful performance of said inspector's duty; *Provided*, That no suit shall be so instituted after more than twelve months have elapsed from the time the cause of action occurred.

§ 10. WHEN INFECTED SHEEP DIPPED, PENALTY.] Every owner of sheep having scab or other malignant contagious disease shall dip or otherwise treat the same upon his own premises; *Provided*, That when he has more than one ranch or set of ranches and the diseased sheep are not upon the ranch where the dipping works or other facilities for treating the diseased are situated, he shall have the right to drive through intermediate ranges, but in so doing shall consult the owners or occupants of said range as to where he shall cross the same, and in no case shall he enter another corral or water at his troughs or accustomed watering places with his diseased sheep without the written or otherwise expressed consent of the owner, and for every violation of the provisions herein he shall be subject to a penalty of not exceeding one hundred (100) dollars.

§ 11. SALARY OF INSPECTOR, HOW PAID.] The inspector shall receive for his services five (5) dollars per day while necessarily employed in inspecting, which shall be paid out of the county general fund in the same manner and form as claims against the county are paid; *Provided, however*, The board of county commissioners shall require said sheep inspector to present an itemized statement of the number of sheep inspected and the number of days actually employed in the performance of his official duties.

§ 12. POWER OF INSPECTORS.] In all cases where scab or other contagious diseases are found in any flock of sheep, the sheep inspector is hereby empowered to prescribe what dip or other remedies shall be applied and specify the manner of treatment.

§ 13. OWNERS MUST NOTIFY INSPECTORS.] In all cases where sheep are brought into any county of this State the owner or person in charge of said sheep shall notify the inspector of the date of the arrival in said county and before being allowed to mingle with other sheep shall be quarantined for a period of not less than forty days, in a location approved of by the sheep inspector of said county; *Provided, however*, where sheep have been ranged for not less than forty days near the county line of the county to which said sheep are to be removed and are known to be free from disease, the provisions of this section shall not apply.

§ 14. PENALTY FOR ALLOWING DISEASED SHEEP TO STRAY.] In all cases where sheep are diseased and the owner or person in charge shall permit any of said sheep to stray away from their land, [and] he or they shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred (100) nor more than five hundred (500) dollars.

§ 15. FINES AND PENALTIES A LIEN, HOW FORECLOSED.] All fines and penalties for violation of any of the provisions of this act shall constitute a lien upon the flock, subject to foreclosure the same as chattel mortgages are foreclosed.

§ 16. REPEAL.] All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

§ 17. EMERGENCY.] An emergency exists in this that contagious diseases are known to exist among flocks of sheep within this State and the sheep inspectors are powerless to enforce proper restrictions, therefore this act shall become a law from and after its passage and approval.

Approved March 9, 1891.

CHAPTER 117.

[H. B. No. 100.]

TO PROTECT AND PROMOTE THE BREEDING OF IMPROVED LIVE STOCK.

AN ACT to Protect Stock Raisers and Promote the Breeding of Improved Live Stock Within the State of North Dakota, and to Provide a Lien for the Services of Sires.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PEDIGREE OF SIRE.] That in order to protect the farmers in this State against damage resulting from breeding to sires advertised with bogus or fraudulent pedigrees, and to foster the increase of improved live stock and to secure to the owners of sires payment for service, the following provisions are enacted: That every owner of a sire changing a service fee, in order to have a lien upon the get of any such sire under the provisions of this act for service, shall file a statement, verified by oath, to the best of his knowledge and belief with the Commissioner of Agriculture and Labor giving name, age, description and pedigree or breeding so far as known as well as the terms and conditions upon which such sire is advertised for service.

§ 2. COMMISSIONER OF AGRICULTURE AND LABOR ISSUE CERTIFICATE.] The Commissioner of Agriculture and Labor upon receipt of the statement as specified in Section 1 of this act, and also any certificate of registry of any sire in any society for the purpose of registry of sires, duly verified by affidavit, shall issue a certificate to the owner of said sire, a copy of which certificate shall be forwarded to the clerk of the district court in which

county or counties said sire is stationed or located, and other copies furnished the applicant, which shall be posted by him in conspicuous places where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of said sire, the terms and conditions upon which the sire is advertised for service, and that the provisions of this act so far as relates to the filing of the statement aforesaid have been complied with.

§ 3. LIEN FOR SERVICE, HOW OBTAINED.] The owner or owners of any sire receiving such certificate by complying with Section 1 of this act, shall have and obtain a lien upon the get of any such sire and upon the female served, for the period of two years from date of birth of get, and said lien shall have priority over any or all other liens, chattel mortgages or other incumbrances upon the offspring of the female served; *Provided*, Said owner or owners shall within eight months of the time of the rendition of such service by such certified sire, file for record a statement of account with the register of deeds of the county in which such female was owned at the time of such service, together with a description of the female so served.

§ 4. FEE FOR FILING STATEMENT.] It shall be the duty of the register of deeds to file and enter said statements in the manner required by law for the filing and entering of chattel mortgages, and he shall be entitled to a fee of ten (10) cents each, for filing and discharge thereof.

§ 5. CHARGE FOR CERTIFICATES.] The Commissioner of Agriculture and Labor shall have the power to charge for certificates as may be necessary to cover the expenses of executing the law.

§ 6. LIEN, HOW FORECLOSED.] The said lien may be foreclosed by sale of the property embraced in said lien upon the notice and the manner provided by law for the foreclosure of chattel mortgages, and the costs and fees for foreclosing shall be the same; *Provided*, Said lien shall not be foreclosed for a period of nine months after the filing of said lien aforesaid, unless the owner of said female shall attempt to dispose of or remove said female from the county, or unless said female should be foreclosed on, then and in that case said lien may be foreclosed at any time.

§ 7. PENALTY FOR DISPOSING OF PROPERTY COVERED BY LIEN.] Any person selling, secreting or disposing of property covered by said lien without the written consent of the owner of said lien is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or by imprisonment in the county jail for not to exceed thirty days or by both such fine and imprisonment.

§ 8. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. EMERGENCY.] Whereas an emergency exists by reason of there being at present no law for the protection of stock

raisers, and for the reason that such a law going into effect in the midst of the season would work an inconvenience to the owners of sires; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.

SUPREME COURT.

CHAPTER 118.

[S. B. No. 3.]

REGULATING PRACTICE IN SUPREME COURT.

AN ACT Regulating the Practice in the Supreme Court and in the District Court in Certain Instances.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. POWER TO ISSUE WRITS.] The Supreme Court has power in the exercise of its original jurisdiction to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari* and injunction; and in the exercise of its appellate jurisdiction, and in its superintending control over inferior courts, it may issue such original and remedial writs as are necessary to the proper exercise of such jurisdiction; *Provided*, That said court shall exercise the said original jurisdiction only in *habeas corpus* cases, and in such cases of strictly public concern as involve questions affecting the sovereign rights of the State, or its franchises or privilege.

§ 2. ISSUE AND RETURN OF WRITS.] The Supreme Court shall be always open for the issue and return of all writs and processes which it may lawfully issue, and for the hearing and determination of the same, subject to such regulations and conditions as the court may prescribe. And any judge of said court may order the issuance of any such writ or process, and prescribe the time and manner of service and time and place of return of the same; *Provided*, That in cases of *habeas corpus* the Judge of the Supreme Court who issues or causes the writ to issue may, at his discretion, direct that the writ shall be made returnable and heard and determined, either before the Supreme Court or any judge thereof; or before any district court of the State, or any judge of any district court of the State; *Provided, further*, That any dis-