

counties of this Territory, excepting such counties as are exempted from the operations of this law as provided by section 2, shall receive as compensation for such service one half of any sum of money which may be collected as fine for such offense.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

§ 5. This act shall be in force and effect from and after its passage and approval by the Governor.

ENDORSED.—Received at Executive Office, February 5, 1883, at 12:30 P. M.

**Note by the Secretary of the Territory.**

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

Geo. H. Hand,  
*Secretary of the Territory.*

## Glanders.

### CHAPTER 65.

AN ACT to Prevent the Spread of Glanders and to Provide for the Summary Destruction of Glandered Animals.

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

§ 1. PENALTY FOR HAVING IN POSSESSION GLANDERED ANIMALS.]  
That it shall be and hereby is made unlawful for any person or corporation to own, have in possession, or in any manner keep, use or control any horse, gelding, mare, ass or mule inflicted with the disease commonly known as glanders; and each and every person or corporation that shall knowingly own, possess, or in any manner keep, use or control any glandered horse, gelding, mare, ass or mule, shall be deemed guilty of a misdemeanor, and shall be punished accordingly, and all such diseased animals shall be summarily destroyed as hereinafter provided.

§ 2. DUTY OF JUSTICE UPON COMPLAINT.] Whenever complaint in writing shall be made to a justice of the peace of the proper county in this Territory verified by oath or affirmation of the complainant, that any person or corporation owns, possesses, or in any manner, keeps, uses, or controls any horse, gelding, mare, ass or mule, infected with the disease commonly known as glanders, upon filing such complaint, it shall be the duty of said justice, immediately to cause notice to be served upon the person or corporation so owning, possessing, keeping, using or controlling said horse, gelding, mare, ass or mule, which notice shall set forth the matter of the complaint, and command such person or corporation forthwith to appear before said justice and show cause why the said justice should not issue a warrant for the destruction of such animal, and either complainant or the person or corporation summoned may demand a trial by jury of six men, to whom the hearing of the matter shall be submitted, and both parties shall be entitled to witnesses, to be summoned by subpoena as in other actions, and such examination and hearing shall be conducted in all respects as civil actions in such courts, and if the jury or court desire they may cause such person or corporation to bring such animal before them for inspection. Upon the conclusion of the trial the court or jury, if trial be had by jury, shall forthwith render a judgment or verdict, stating that the charge in the complaint is, or is not true, which judgment or verdict shall be final in the matter.

§ 3. DUTY OF JUSTICE AFTER VERDICT.] In case the verdict of said jury shall be that the complaint is true and that such animal is infected with glanders, said justice shall forthwith direct, by warrant, the owner or person or corporation having such diseased animal in possession forthwith to kill and bury, or otherwise destroy the same, which warrant may be served upon such owner, or person, or corporation, having possession of such diseased animal the same as a summons issued in justices courts is served; and in the case of a corporation, each officer thereof shall be responsible in this behalf for the acts of the corporation, and service may be made upon any officer thereof.

§ 4. PENALTY FOR DISOBEYING WARRANT.] If the owner, or person, or corporation having possession of such diseased animal, after having been served with the warrant as hereinbefore provided, shall for the period of twelve hours after such service, neglect or refuse to kill and bury, or otherwise destroy such diseased animal, then in that case such diseased animal shall be forthwith killed and buried, or otherwise destroyed, upon the order of said justice, directed to the person serving such warrant, or some other competent person to be named by the justice in the order, and the

officer or person executing the same shall make return thereof and thereon to the justice. The officer or person executing such order shall be entitled to a fee of ten dollars to be audited and paid as hereinafter provided.

§ 5. JUSTICE TO PRESERVE RECORD AND CERTIFY COSTS TO COUNTY BOARD.] The justice of the peace before whom any such proceeding shall be had shall enter in his docket a record of all such proceedings had by and before him pursuant to this act, and shall allow and tax all costs of the justice, officers, jurors, and witnesses the same, and in like manner as in criminal proceedings in justices courts, together with the fee provided herein for destroying such animal, which costs and fees shall be certified by him to the board of county commissioners, and shall be audited and paid out of the general county fund the same as costs in criminal actions before justices of the peace, but the justice may tax the costs against the complainant if he finds that the action was malicious or without probable cause, and such judgment for costs shall be enforced as judgments for costs in criminal cases, and execution may issue therefor.

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

Approved, February 5, 1883.

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## Hides.

### CHAPTER 66.

AN ACT for the Protection of Hides and to Prevent the Destruction thereof, and to Punish Certain Offenses Concerning the Same.

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

§ 1. HIDES OF SLAUGHTERED ANIMALS TO BE PRESERVED.] Any person who shall slaughter any neat cattle, for any purpose, in this Territory, shall keep the hides of such cattle at his or their place where such cattle were slaughtered, for a period of not less than ten (10) days, and such hides shall at all times be subject to inspection by stock growers and their agents and employes.

§ 2. UNLAWFUL TO DESTROY BRAND.] It shall be unlawful for