

## Affidavits.

BEFORE WHOM MADE.

### CHAPTER 2.

AN ACT to amend Section 468 of Code of Civil Procedure.

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

§ 1. BY ANY PERSON AUTHORIZED.] That section 468 of the Code of Civil Procedure be amended so as to read as follows: "An affidavit may be made in and out of this Territory before any person authorized to administer an oath."

Approved, February 19, 1885.

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## Agriculture.

### CHAPTER 3.

AN ACT to create a Territorial Department of Agriculture, and Relating to Agricultural Societies and Agricultural Fairs, and Providing for Reports of the same.

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

§ 1. DEPARTMENT OF AGRICULTURE CREATED—ANNUAL MEETINGS.] That a Department of Agriculture for the promotion of agriculture and horticulture, manufactures and domestic arts, is hereby created and shall be managed by a board styled the Territorial Board of Agriculture, to consist of one president, and one vice president from each legislative district of the Territory. The first election of officers is to be held in the city of Mitchell, in the Territory of Dakota, on the 17th day of June, 1885, and thereafter on the fair grounds on the Wednesday of the week of the annual territorial fair, and every two years thereafter, by delegates

or alternates or their written proxies, 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. The members of the territorial board of agriculture shall enter upon the duties of their office on the second Tuesday of January succeeding their election, and hold their office for two years and until their successors are elected and enter upon their duties. The territorial board of agriculture may fill any vacancy arising from any cause by appointment from the district in which the vacancy occurs.

§ 2. SECRETARY.] The territorial board shall appoint some person not a member of the board, secretary, and fix his compensation, said compensation not to exceed two hundred dollars per annum, who shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board, and who shall perform such duties as usually pertain to the office of secretary or as shall be required of him by the board.

§ 3. TREASURER.] They shall also appoint some person not a member of the board as treasurer and fix his compensation, said compensation not to exceed one hundred dollars, per annum, who shall give bond in such sum and with such security as the board shall direct, conditioned for the faithful discharge of the duties of his office. He shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board. He shall keep an accurate itemized account of all money received by him and paid out, and make an annual report thereof to the territorial board, and make full settlement with the board.

§ 4. TERRITORIAL OFFICE.] The territorial board of agriculture shall keep an office for the transaction of business at the city of Huron, in the Territory of Dakota, providing said city of Huron shall provide a suitable room for such purposes, free of cost to the Territory, to be under the control of said board.

§ 5. POWERS OF BOARD.] The territorial board of agriculture in that name may contract and be contracted with ; may purchase, hold or sell property ; may sue or be sued in all courts or places ; may hold territorial fairs 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. BOARD MAY HAVE CONTROL.] The territorial board of agriculture shall have the sole control of the affairs of the Department of Agriculture, of all territorial fairs and fat stock shows, and may make such by-laws, rules and regulations in relation to the Department of Agriculture and the management of the business of such department and territorial fairs 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. MONEYS APPROPRIATED, HOW EXPENDED.] Whatever money shall be appropriated to the Department of Agriculture shall be paid to the territorial board of agriculture, and may be expended by them as in the opinion of said board will best advance the interests of agriculture and horticulture, manufactures and domestic arts in this Territory ; *Provided*, When any appropriation is made for the benefit of county or other agricultural societies, the same shall be actually divided between such agricultural societies as shall have given satisfactory evidence to said territorial board of having held an annual fair and paid as premiums not less than three hundred dollars (\$300), and made their annual report on or before the 15th day of November to the territorial board of agriculture ; *Provided*, That in counties having more than one agricultural society only one of them shall be entitled to receive a share of the money appropriated for county or district fairs, and the territorial board shall have full power to determine which one shall receive such appropriation.

§ 8. ANNUAL REPORT.] The territorial board of agriculture shall after their annual meeting in January in each year, make and deliver to the governor a report of their acts and doings as required by law, and no other annual report shall be made by said board.

§ 9. REPORTS OF KINDRED ASSOCIATIONS.] Said territorial board of agriculture shall append to and publish with their said report 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 report and appended essays not to exceed seven hundred printed pages, and one thousand copies of said reports shall be published annually, in pamphlet form, by the public printer of the Territory at the contract rates, and the same shall be distributed jointly by the

president of the agricultural society 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 the publishing of the same.

§ 10. ANNUAL FAIR—SPECIAL POLICE.] It shall be lawful for the territorial board of agriculture or other agricultural society, at or before the time for holding its annual fair, to select and appoint as many persons to act in the capacity of special police as are by said society deemed requisite to insure peace and good order on or about the grounds or place of holding such fair for and during the holding of the same; *Provided*, That such person before entering upon the duties of special police shall receive his authority from and take the oath of office before any judge or justice of the peace or other officer authorized to administer oaths, residing or holding his office in the town or municipal corporation most contiguous to the fair grounds or place of holding such fair, and shall receive from such judge or justice of the peace a certificate, under seal, of his appointment and authority to act as such special police, which shall be indicated by some appropriate badge of office, and when so authorized he shall be clothed with full police powers.

§ 11. TRESPASSING UPON FAIR GROUNDS.] Whoever trespasses upon any fair grounds to commit any depredations upon the property of any agricultural society by cutting or destroying any timber or trees, breaking or carrying away any box, trough, stall, bench, fence, lock, door, gate, lumber or other appurtenances to any fair grounds, whether within or without the enclosure thereof, shall be fined not less than five nor exceeding two hundred dollars and shall be liable civilly for all damages sustained by such wrongful act.

§ 12. SALE OF LIQUORS 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 engages in 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 territorial board of agriculture, shall for each offense be fined not less than five nor more than one hundred dollars; *Provided*, This section shall not affect tavern keepers, distillers or others exercising their calling at their usual place of business.

§ 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 also seize the booth, tent, wagon, vessel or boat and articles to be sold, 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.

§ 14. DEFINITION OF FAIR.] Wherever the word "fair" occurs in this act, it shall be held to mean a *bona fide* exhibition of the four principal classes of live stock, together with agricultural and horticultural products and mechanical arts.

§ 15. COMPENSATION.] The officers of the territorial board 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, which shall be paid by the territorial treasurer upon a warrant issued and certified to by the president of the territorial board of agriculture.

Approved, March 10, 1885.

## Agricultural College.

NORTH DAKOTA.

CHAPTER 4.

AN ACT to Revive and Re enact Chapter Four of the Session Laws of 1883, entitled "An Act to Locate and Establish the North Dakota Territorial Agricultural College," Approved March 9, 1883.

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

§ 1. ACT REVIVED.] That chapter four of the session laws of 1883 of the Territory of Dakota, entitled "An act to locate and establish The North Dakota Territorial Agricultural College," be and the same is hereby revived, re-enacted and continued in force.

§ 2 TIME EXTENDED.] The time provided in section 1 of said act for donating and securing to the Territory the land mentioned in section 1 of said act is hereby extended for one year from the taking effect of this act.

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

Approved, February 27, 1885.