

## Health.

### ESTABLISHMENT OF TERRITORIAL AND COUNTY BOARDS.

#### CHAPTER 63.

AN ACT Establishing Territorial and County Boards of Health, and Providing for the Protection of the Health of Persons and Animals.

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

§ 1. TERRITORIAL BOARD, OF WHOM COMPOSED.] That there is hereby established a territorial Board of Health of the Territory of Dakota, composed of a president, vice president and superintendent of public health. The Attorney General of said Territory shall be *ex-officio* president of said board. The Governor shall appoint some suitable person, resident of this Territory, vice president, and he shall also appoint by and with the advice and consent of the council said superintendent of public health, who shall be learned in medicine, a graduate of some medical college recognized by the American Medical Association and a resident of this Territory, and the several persons thus appointed shall hold their offices for two years and until their successors are elected and qualified.

§ 2. DUTIES OF OFFICERS.] The president of said board shall preside at the meetings thereof, and the vice president shall perform the duties of president in his absence. The superintendent of public health shall be *ex-officio* secretary of said board. He shall keep a record of all proceedings of the territorial board of health, and of his own acts as such superintendent, and he shall perform such other duties as are prescribed by this act, or may be prescribed by the territorial board of health. The records kept by said superintendent shall be by him at all times kept open to the inspection of the public.

§ 3. MEETINGS.] The several persons composing said territorial board of health shall meet at the capital of said Territory on the —— day of April, 1885, and they shall thereafter meet as often as once in every six months at such place in said Territory as they may from time to time appoint.

§ 4. POWERS AND DUTIES.] Said territorial board of health shall have power, and it shall be their duty :

1. To fix the time and place of the meeting of said board, subject only to the provisions of section three of this act.

2. To make rules and regulations for the government of said board, its officers and its meetings.

3. To make and enforce any and all needful rules and regulations for the prevention and cure, and to prevent the spread of, any contagious, infectious or malarial diseases among persons and domestic animals.

4. To establish quarantine, and isolate any person affected with contagious or infectious disease.

5. To isolate, kill or remove any animal affected with contagious or infectious disease.

6. To remove or cause to be removed any dead, decaying or putrid body, or any decayed, putrid or other substance that may endanger the health of persons or domestic animals.

7. To condemn and cause to be destroyed any impure or diseased article of food that may be offered for sale.

8. To superintend the several boards of health in cities, villages and towns, and the county boards of health of the several counties.

9. To empower and direct the superintendent of public health to do or cause to be done any or all the things mentioned in subdivisions four, five, six, seven and eight of this act.

§ 5 SALARY, ETC.. OF SUPERINTENDENT.] The superintendent of public health shall be paid a yearly salary of five hundred dollars, in equal installments, at the end of every three months. He shall also be paid five cents per mile for every mile actually and necessarily traveled in the performance of his official duties, and such other sum or sums as he may necessarily pay or become liable to pay for the official books, records and papers kept by him, and for the printing of his reports, and such circulars and blanks as may be required for the proper conduct of the business of his office not to exceed in the aggregate the sum of three hundred dollars. The accounts of the superintendent for his mileage and said other expenses of his office shall be audited by said territorial board of health, and the same together with his salary shall be paid out of the territorial treasury

§ 6. CERTAIN EXPENSES ALLOWED.] The president and vice president of the said territorial board of health shall receive no compensation for the performance of their official duties, but they shall be paid five cents for every mile actually and necessarily traveled, and such other necessary expenses as they may pay or incur in attending the meetings of said board or in the performance of their duties as such officers.

§ 7. COUNTY BOARD ] At the first meeting of said territorial board of health they shall appoint two persons from each county, residents thereof, who, with the district attorney of the county from which they are appointed, shall constitute a county board of

health for such county. The district attorney shall be the president of such county board of health. One of the persons so appointed from each county shall be learned in medicine, and shall hold a license to practice medicine from the superintendent of public health, who shall be superintendent of health in the county for which he is appointed. The other person so appointed by said board from such county shall be vice president of the county board of health.

§ 8. DUTIES OF OFFICERS.] The president of each county board of health shall preside at the meetings thereof, and in his absence the vice-president shall perform the duties of president. The county superintendent of health shall be *ex-officio* secretary of the board of health of his county. The said county superintendent of health shall keep a record of all the proceedings of such board, and of his official acts, and he shall, at the end of every month, make a full report in writing to the superintendent of public health of the proceedings of the county board of health and of his official acts, and shall, whenever danger to the health of persons or domestic animals is threatened, or whenever any contagious or infectious disease occurs in his county, either among persons or domestic animals, immediately report the same to the superintendent of public health.

§ 9. MEETINGS.] The several county boards of health shall meet at the county seat in their respective counties, at such time within thirty days after the appointment of the county superintendent of health as he may designate. Notice of the time and place of such meeting shall be by him given to the other members of said county board, at least five days prior to such meeting, and thereafter said county board of health shall meet at the county seat as often as once in every three months.

§ 10. POWERS AND DUTIES.] The several county boards of health shall have power within their respective counties, subject to the supervisory control of the territorial board of health, and the superintendent of public health, to do and perform all the things mentioned in subdivisions three, four, five, six, seven and eight, of section four of this act; all expenses actually and necessarily paid or incurred by the county boards of health in carrying out the provisions of this act shall be audited by said board, and certified to the county commissioners of the county where such expenses are incurred, and shall be paid the same as other county expenses are paid.

§ 11. POWERS OF SUPERINTENDENT.] The county superintendent of health shall have charge of and superintend, subject to the approval of the board of which he is a member, and the supervisory control of the territorial board of health and superin-

tendent of public health, all the matters and things mentioned in subdivisions four, five, six and seven of section four of this act, within his county, and in case of immediate danger to the health of persons or of domestic animals, he may act as in his judgment he may deem best without consultation with the other members of the county board of health, for the prevention of such danger, and he shall immediately report such action to the president of the county board of health, and to the superintendent of public health.

§ 12. COMPENSATION.] The president of the county board of health shall receive no other compensation than that which is provided for; shall receive five cents for every mile actually and necessarily traveled in the performance of his duties as a member of said board. The county superintendent of health shall receive five dollars per day for every day in which he may be actually and necessarily engaged, and five cents per mile for every mile actually and necessarily traveled in the performance of his duties, and he shall also receive such other sum or sums as he may necessarily pay or become liable to pay in carrying out and performing the various duties imposed upon him under the provisions of this act, or by the county board of health, all of which accounts for services, mileage and other expenses shall be audited by the county board of health, and certified to the county commissioners of the county, and paid as other county expenses are paid.

§ 13. REPORTS.] The superintendent of public health shall, on the first day of December, 1886, and bi-ennially thereafter, make a full report to the Governor, and to the Legislative Assembly of the Territory of Dakota, which report shall show all that has been done by the territorial board of health, and by such superintendent of public health during the two years preceding the making of such report, the number of cases treated by said superintendent of public health, and in each of the counties by the county superintendents of health, the character and extent during such time of all the contagious or infectious diseases that have been reported to said superintendent of public health; and he shall also report a full statement of all expenditures by said territorial board of health, and in each of the organized counties in this territory by the county boards of health, and he shall also report such recommendations as he may deem advisable for the better protection of the public health, and the prevention and cure of contagious or infectious diseases of persons and of domestic animals.

§ 14. WHO MAY PRACTICE MEDICINE.] No person shall be permitted to practice medicine in any of its departments in this Territory unless he be a graduate of a medical college, or unless upon examination before a board composed of the superintendent of pub-

lic health and two other physicians to be selected by the territorial board of health, such person shall be found proficient in the practice of medicine and surgery and shall also be found upon proof to have been actually engaged in the practice of medicine for a term of not less than ten years, and no person shall practice medicine unless he be of good moral character, and is not an habitual drunkard. Any person possessing the qualifications mentioned in this section, shall upon presentation of his diploma, or of proof thereof by affidavit if the same is lost or destroyed, and upon the affidavit of two reputable citizens from the county where he resides that such applicant possesses the qualifications of a physician as prescribed herein, to the superintendent of public health, together with a fee of two dollars, receive from such superintendent of public health a license, certifying the applicant to be a practising physician, and having the qualifications for such prescribed by this section, which license shall be recorded in the office of the register of deeds in the county where such practising physician resides. Any person who practices medicine or attempts to practice medicine without complying with the provisions of this section, shall be deemed guilty of a misdemeanor, and any person shall be regarded as practising medicine within the meaning of this section who shall profess publicly to be a physician and to prescribe for the sick, or who appends to his name the letters "M. D.," but nothing in this section shall be construed to prohibit students from prescribing, under the supervision of preceptors, or to prohibit gratuitous services in case of emergency, nor shall this section apply to commissioned surgeons in the United States army and navy. Any person violating any of the provisions of this act, or who shall prevent or attempt to prevent the several officers of the public health, or persons employed by them, from performing any of the duties prescribed in this act to be performed by any such officer or any practising physician, who shall fail to report to the county superintendent of health the existence of any contagious or infectious disease, and any person who shall willfully conceal any case of contagious or infectious disease either among persons or animals, shall be deemed guilty of a misdemeanor. The district court shall upon the complaint of any member of the territorial board of health or the county board of health, where he resides, have power to cancel any license that may be issued to any person to practice medicine where such license was fraudulently obtained or where the person to whom such license was issued has been guilty of violating any of the provisions of this act.

§ 15. VACANCIES.] In case any vacancy shall occur in the office of vice-president or superintendent of public health, such vacancy shall be filled by appointment by the Governor, and the person so appointed to fill such vacancy shall hold for the unexpired

term of office in which such vacancy occurs. In case any vacancy occurs in the office of vice president or superintendent of health in any of the county boards of health, the superintendent of public health shall appoint some suitable person to fill such vacancy, and the person so appointed shall hold such office until the next meeting of the territorial board of health, and until a successor to such officer has been appointed by said territorial board of health

§ 16. Nothing contained in this act shall in any manner affect any board of health heretofore established, or that may be hereafter established in any city, village or incorporated town, *Provided, however,* That all such boards of health shall be under the superintending control of the territorial board of health.

Approved, March 12, 1885.

## UNWHOLESOME FOOD.

### CHAPTER 64.

AN ACT to Secure the Public Health and Safety against Unwholesome Provisions.

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

§ 1. PENALTY FOR SELLING.] Whoever sells diseased, corrupted or unwholesome provisions for food or drink, knowing it to be such, without informing the buyer, or fraudulently adulterates for the purpose of sale, any substance intended for food or drink, so as to render them injurious to health, shall be punished by imprisonment for not more than five years or by a fine not exceeding one thousand dollars: and whoever kills or causes to be killed, for the purpose of sale any calf less than four weeks old, or knowingly sells or has in his possession with intent to sell for food the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction, not exceeding thirty days, or by fine not exceeding fifty dollars, or both: and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by any board of health, or health officer, or any sheriff, deputy sheriff, constable or police officer.

§ 2. MAGISTRATE TO ISSUE SEARCH WARRANT.] When com-

plaint is made on oath to any court or justice of the peace authorized to issue warrants in criminal cases, that meat or calves killed when less than four weeks old is kept or concealed with intent to sell the same for purposes of food, such magistrate, when satisfied that there is reasonable cause for such belief, may issue a warrant in search therefor.

§ 3. OLEOMARGERINE.] Whoever, by himself or by his agent, sells, exposes for sale or has in his possession with intent to sell, any article, substance, or compound, made in imitation of cheese or butter, or as a substance for cheese or butter, and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" or "adulterated butter," or if such substitute is the compound known as oleomargerine then the word "oleomargerine," stamped, labeled, or marked, in printed letters of plain roman type not less than one inch in length, so that said words cannot be easily defaced upon the side of every cheese cloth, or band around the same, and upon the top and side of every tub, firkin, box or package, containing any of said article, substance or compound. And in case of retail sales of any of said articles, substance or compounds not in the original packages, the seller shall attach to each package so sold and delivered therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the out side of said package the words "imitation cheese," "adulterated butter," or "oleomargerine," as herein provided, in printed letters of plain roman type not less than half an inch in length.

§ 4. PENALTY FOR ERASING MARKS, ETC.] Whoever sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese or butter, or as a substitute for cheese or butter, except as provided in the preceding section, and whoever defaces, erases, cancels or removes any mark, stamp, brand, label or wrapper provided for by the preceding section, or changes the contents of any box, tub, article or package, marked, stamped or labeled as aforesaid, with intention to deceive as to the contents thereof, for the first offense forfeits one hundred, and for the second and every subsequent offense, two hundred dollars, to be recovered by indictment, with costs.

§ 5. DUTY OF HEALTH AND OTHER OFFICERS.] Every health officer, sheriff, deputy sheriff, or constable, shall institute complaint for the violation of the two preceding sections whenever he has reasonable cause for suspicion, and on the information of any person who shall lay before him satisfactory evidence of the same. Said officer shall take specimens of suspected butter or cheese, and cause the same to be analyzed or otherwise satisfactorily tested.

The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the costs of prosecution, and taxed and allowed to the officer paying the same.

§ 6. DEFINITIONS.] For the purposes of the three preceding sections, the terms "butter" and "cheese" mean the products usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

§ 7. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1885.

## Homestead.

### THE CONVEYANCE THEREOF.

#### CHAPTER 65.

AN ACT Supplementary to and Explanatory of Chapter 38 of the Political Code.

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

§ 1. NOT TO INCLUDE.] That chapter 38 of the Political Code, relating to homesteads and the conveyance thereof, shall not be deemed or construed to include any gold or silver mine, or gold or silver mill, or any mill, smelter, or machinery intended or used for the reduction or milling of gold or silver ores.

§ 2. AREA ON MINERAL LANDS.] Section 8 of said chapter is hereby amended by adding thereto the following: "If the homestead is claimed upon any land, the title or right of possession to which was acquired or claimed under the laws of the United States relating to mineral lands, then the area of the homestead shall not exceed one acre whether within or without a town plat."

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

Approved, March 12, 1885.