

providing a bounty for wolf scalps," approved February 14, 1881, be and the same is hereby amended to read as follows: §7. That any person keeping, owning or harboring a dog that shall chase, worry or kill sheep shall be liable for all damages committed by such dog upon any sheep, to the owner of such sheep, and shall not be entitled to any benefit from the laws exempting property from execution, but all property shall be subject to execution on judgment for such damages and costs.

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

Approved, March 13, 1885.

## Sheep Inspectors.

### CHAPTER 135.

AN ACT to Provide for the Appointment of Sheep Inspectors.

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

§ 1. APPOINTMENT AND TERM OF OFFICE.] The county commissioners may, if they deem it expedient, appoint a sheep inspector who shall be a citizen of the county for which he is appointed, for each county containing two thousand sheep, who shall hold his office for two years unless sooner removed. And any inspector may act in an adjoining county having no inspector on request of the commissioners thereof.

§ 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 disease, to inspect said flock and report in writing the result of his inspection to the county clerk of his county, 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; *Provided*, That in case of the removal of the flock six miles from the range of any other sheep, as hereinafter provided, he shall only make one inspection every three months.

§ 3. REPORT TO INSPECTOR OF ARRIVAL OF STOCK IN TERRITORY—

INSPECTION IN CASE OF FAILURE TO REPORT.] And upon the arrival of any flock of sheep into the Territory, the owner or agent shall immediately report them to the inspector of the county for inspection, and the inspector shall inspect and report as provided in section two, and in case of failure from any cause of owner or agent to report for inspection, a fine of one hundred dollars shall be imposed on said owner or agent for each offense by any court of competent jurisdiction, which fine when collected shall be paid into the county treasury for the use of the sheep inspectors' fund, and any judgment for such fine shall be a lien upon such flock.

§ 4. DUTIES OF OWNER OR AGENT OF DISEASED FLOCK.] 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 six miles of any other flock of sheep, and said sheep shall continue to be herded under the above restrictions, until upon inspection they shall be reported free from such disease.

§ 5. PENALTY FOR VIOLATION OF THIS ACT.] The owner or his agent or employes of any flock of sheep, requesting or about to be inspected, shall afford the inspector all reasonable facilities for making his inspection, and for every violation of any of the provisions of this act, said owner or his agent or his employes shall be fined not less than ten dollars nor more than three hundred dollars, and every separate day's offense shall constitute a separate offense, and the written report of an offense, made by an inspector under oath, shall be *prima facie* evidence of the commission of said offense, and any justice of the peace of the county in which the offense is committed shall have jurisdiction thereof, and the inspector shall *ex-officio* report all violations of the provisions of this act, of which he has knowledge.

§ 6 OATH AND BOND OF INSPECTOR.] Every inspector before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall give bond to the Territory of Dakota in the sum of one thousand dollars, with good sureties, conditioned that he will faithfully perform the duties of his office; such bond shall be approved by the county clerk who shall endorse upon every bond he shall approve as follows: "I am acquainted with the sureties herein, and believe them to be worth the amount of the sum of the within bond, over and above their just debts and liabilities."

§ 7. RECORD OF, AND SUITS UPON BOND.] Such bond, with the oath endorsed thereon, shall be recorded in the office of the regis-

ter of deeds 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.

§ 8. RECORD OF OFFICIAL ACT OF INSPECTOR.] Every inspector shall keep a fair and correct record of all his official acts, and if required, give a certified copy of any record upon payment of the fees therefor, and in case of the inspector's death, resignation or removal said record shall be deposited with the register of deeds.

§ 9. FEES OF INSPECTION.] The inspector shall receive for his services four dollars per day while necessarily employed in inspecting; and for the first inspection an additional fee of one half cent for every sheep, when the flock inspected is five hundred or less, and for inspecting larger flocks two dollars and fifty cents for the first five hundred, and one-fourth cent each for the remainder of said flock, to be paid by the owner or his agent, and two cents per line of the words for any official report or document, *Provided*, If any person shall keep several separate flocks of sheep, and some flock or flocks be not infected with scab, the owner shall be required to pay only the fees for inspection of such inspected flock or flocks; and *Provided, further*, That when an inspection is made, and the result shall show no disease, the inspector shall give the owner a written statement to that effect, and shall be paid for said inspection as provided in section *fifteen* [nine.] The inspector shall receive ten per cent. of all fines and penalties in cases in which he gives information of the offense, and his interest in the result shall not affect his competency as a witness, and all fines and penalties except as herein provided shall be paid to the county treasurer as part of the inspection fund of the county.

§ 10. BY WHOM NOTICE TO BE SERVED.] The notice herein shall be served by the inspector or the sheriff, or any constable of the county.

§ 11. AMOUNT OF FINE FOR FALSE REPORT BY INSPECTOR.] Whenever a sheep inspector shall willfully or falsely report any sheep subject to disease, he shall be subject to a fine of ten times the amount of the fees charged by him for the inspection, and if he shall willfully or falsely report any sheep inspected by him free from disease that are thus infected, he shall be subject to a penalty not exceeding three hundred dollars for each offense.

§ 12. FOR WHAT CAUSES INSPECTOR MAY BE REMOVED.] If any sheep inspector shall be found guilty of either of the offenses set forth in section eleven, or if on complaint in writing by any three wool growers of the county, the county commissioners, after allowing the inspector a fair hearing, shall be of opinion that he is competent to discharge intelligently and efficiently the duties of his of-

office, or that having sufficient knowledge or information he has for any cause willfully or negligently failed to make the required inspection, or that he has needlessly made inspections for the purpose of securing fees, or that his reports have been influenced by favor or prejudice, or from any cause he has failed in the proper discharge of the duties of his office, it shall be the duty of said commissioner to declare said inspector's office vacant and to make a new appointment.

§ 13. OWNERS TO DIP ON OWN PREMISES ] That 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 his dipping works or other facilities for treating the disease 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 place 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 dollars.

§ 14. SHEEP INSPECTORS FUND—WHAT SHALL CONSTITUTE—HOW EXPENDED, ETC.] That in each county there shall be levied and assessed annually a tax not exceeding in any one year, one-half of a mill upon the dollar of the assessed valuation of the sheep within the county, which shall be collected as other general taxes, and which, with the penalties herein provided, shall constitute a sheep inspector fund of the county, and which fund shall only be expended in the payment of the legal fees of the sheep inspector, and said fees shall only be paid by the county treasurer after they shall have been approved and allowed by the county commissioners in the same manner and form as claims against the county are approved and allowed by them; and from said fund the sheep inspector shall be paid not to exceed three dollars per day actually employed in making the annual round, which it is hereby made his duty to do, between the tenth of August and the tenth of December of each year, and three dollars per day for each day actually employed in making the inspection required by section two and three, and when he reports in substance no disease.

§ 15. REPEALING CLAUSE.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, March 13, 1885.