

promissory note, mortgage or contract for the use, loan or forbearance of money or things in action, than is provided by law, is usury.

§ 2. PENALTY.] That any person or persons, company or corporation, which shall take, receive or accept of usury, or sell, assign, transfer, or in any manner dispose of any usurious bond, bill of exchange or contract whatsoever, knowing the same to be usurious without first giving such purchaser or assignee notice of its usurious character, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court having competent jurisdiction shall be fined not less than twenty-five (25) nor more than two hundred (200) dollars, or by imprisonment in the county jail not less than ten nor more than sixty days, or both fine and imprisonment in the discretion of the court for each and every such offense.

Approved March 9, 1891.

VETERINARY SURGEON.

CHAPTER 125.

[S. B. No. 157.]

TO PREVENT THE SPREAD OF CONTAGIOUS AND INFECTIOUS DISEASES.

AN ACT to Prevent the Spread of Contagious and Infectious Diseases Among Domestic Animals.

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

§ 1. APPOINTMENT—OATH.] The Governor of the State is hereby authorized to nominate, and, with the consent of the Senate, to appoint a competent veterinarian, who shall be known as the "State Veterinarian," who, upon entering upon his duties, shall take an oath to well and truly perform his duties as provided by law, which said oath shall be taken before any district judge within the State, and shall be filed with the Secretary of State.

§ 2. DUTIES.] The duties of said "State Veterinarian" shall be as follows:

First. To investigate, in person or by deputy, any and all cases of contagious or infectious diseases among cattle, horses, mules, asses, sheep and other domestic animals in this State, of which he may have knowledge or which may be brought to his notice by

any resident in any locality where such disease may exist, and it shall be his duty, in person, or by deputy, in the absence of specific information, to make visits of inspection to any locality, within the State, where he may have reason to believe that there are contagious or infectious diseases existing among such domestic animals.

Second. To seize and inspect, either in person or by deputy, at the State line, or as near thereto as may be possible, any horses, mules, cattle, asses, sheep or other domestic animals, which may be unloaded temporarily or consigned to any point within this State, when the owner, agent, or person in charge thereof shall not, upon demand, produce certificates of the health of such animals, satisfactory to the State Veterinarian or his deputy, from a duly authorized state veterinarian or examiner of the State from which said animals have been shipped.

Third. To examine, either in person or by deputy, so often as he may deem reasonable, all pens, enclosures and cars, within the State, within which domestic animals may be confined or transported and to require the owner, agent or person in charge of all such pens, enclosures and cars to keep the same in proper sanitary condition.

Fourth. To require, either in person or by deputy, the owner, agent or person in charge, of all pens, enclosures or cars, within which domestic animals may be confined or transported, to cleanse, fumigate and disinfect all pens, enclosures or cars within which such domestic animals may be confined or transported, within two days after written notice, when, in his opinion, such cleansing, fumigating and disinfecting shall be necessary for the prevention of the spread or outbreak of any contagious or infectious disease among such animals.

Fifth. It shall also be the duty of the State Veterinarian, in person or by deputy, to seize and inspect all domestic animals coming into and to remain within the State without a certificate of the health of such animals, from a duly authorized state veterinarian or examiner from the state from which said animals have been shipped, and before such animals shall be allowed, by the State Veterinarian to be transported into and to remain within the State. In addition to such inspection, he shall, either in person or by deputy, require from the owner of such animals, or from the agent or person in charge of such animals, an affidavit to the effect that such animals have not been exposed to any infectious or contagious disease for a period of at least ninety days prior to the making of such affidavit, and, in case the State Veterinarian shall have reason to believe that any domestic animals have been exposed to, or have contracted any contagious or infectious disease, it shall be his duty to seize and inspect such animals, notwithstanding any certificate of their health by any veterinarian or examiner of any other State.

§ 3. APPOINTMENT OF DEPUTIES.] The State Veterinarian is

hereby authorized to appoint Deputy State Veterinarians, in case they shall be necessary to the proper discharge of the duties of his office, who shall act under the direction and by the instruction of the State Veterinarian, which said Deputy State Veterinarians shall each furnish a satisfactory bond, in the penal sum of one thousand dollars to the State Veterinarian for the faithful performance of their duties, and said Deputy State Veterinarians may be dismissed from office at the pleasure of the State Veterinarian and their places may be filled by his appointment.

§ 4. COMPENSATION OF DEPUTY STATE VETERINARIANS.] Whenever any Deputy State Veterinarian shall be appointed, as provided in Section 3 of this act, he shall receive for his services the sum of five (5) dollars for each day actually and necessarily employed by direction of the State Veterinarian, together with his necessary traveling expenses, actually paid out while in the performance of his duties. These payments shall be made from any funds in the State Treasury, not otherwise appropriated, upon itemized vouchers signed and sworn to by him and submitted to the State Veterinarian and the State Auditor. No constructive mileage shall be paid under this act to any Deputy State Veterinarian, nor shall any Deputy State Veterinarian receive any mileage.

§ 5. OWNER REQUIRED TO PAY FEES—FEES TO BE PAID INTO GENERAL FUND.] Whenever any domestic animals are seized and inspected, under the provisions of this act, by the State Veterinarian or by any Deputy State Veterinarian, while such animals are being transported in cars, on shipboard, or brought into the State in any other manner, the State Veterinarian or any Deputy State Veterinarian, making such seizure and inspection, shall require the owner, agent or person in charge of such animals to pay one-half cent each for the inspection of sheep and twenty-five cents each for all other animals named herein. All money so collected by any Deputy State Veterinarian shall be immediately transmitted to the State Veterinarian, together with a detailed report of the seizure and inspection and it shall be the duty of the State Veterinarian to transmit, monthly, all money collected, as inspection fees, under the provisions of this act, to the State Treasurer, who shall receipt to the State Veterinarian therefor. All such fees shall be paid by the State Treasurer into the State Treasury General Fund; *Provided*, That no inspection shall be made by any Deputy State Veterinarian of any domestic animals in transit through the State, without special instructions from the State Veterinarian, when the owner, agent, or person in charge thereof shall produce certificates of the health of such animals from a duly authorized veterinarian or examiner from the State from which said animals have been shipped.

§ 6. WHEN MAY ORDER QUARANTINE—WHEN GOVERNOR TO ISSUE PROCLAMATION.] In all cases of contagious or infectious disease among domestic animals, or Texas cattle in this State, the State

Veterinarian shall have authority to order the quarantine of the infected premises and animals and in case such disease shall become epidemic in any locality in this State, the State Veterinarian shall immediately notify the Governor of the State, who shall thereupon issue his proclamation, forbidding any animals, of the kind among which said epidemic exists, to be transferred from said locality without a certificate from the State Veterinarian showing such animals to be healthy. The expense of holding, feeding and taking care of all animals quarantined under the provisions of this act, shall be paid by the owner, agent or person in charge of said animals.

§ 7. WHEN MAY ORDER SLAUGHTER OF DISEASED ANIMALS—BURIAL OF SLAUGHTERED ANIMALS.] In case of any epidemic diseases, where premises and animals have been previously quarantined by the State Veterinarian, as before provided, he is further authorized and empowered, when in his judgment it is necessary, to order the slaughter of any and all diseased animals upon said premises. Said order shall be a written one, and shall be made in duplicate, and there shall be a distinct order, in duplicate, for each owner of the animals condemned. The original of each order to be filed by the State Veterinarian with the Governor of the State, and the duplicate given to the said owner, agent or person in charge of said condemned animals. It shall be the duty of the owner, agent or person in charge of any and all animals slaughtered under the provisions of this act, to immediately bury the carcasses of such slaughtered animals in a trench at least six feet in depth and at least four feet beneath the surface of the ground, or burn and consume such carcasses, under the direction of the State Veterinarian or his deputy; and it is hereby made the duty of the State Veterinarian, in person or by deputy, to require the owner, agent or person in charge of such slaughtered animals to immediately bury or burn the carcasses of such slaughtered animals as herein provided.

§ 8. ANNUAL REPORT TO GOVERNOR—GOVERNOR TO TRANSMIT REPORT TO COUNTY COMMISSIONERS.] The State Veterinarian shall make a report, at the end of every year, to the Governor, of all matters connected with his work, and the Governor shall transmit to the several boards of county commissioners such parts of said report as may be of general interest to the breeders of live stock. The Governor shall also give information in writing, as soon as he obtains it, to the various boards of county commissioners, of each case of suspicion or fresh outbreak of disease, in each locality, its cause, and the measures adopted to check it.

§ 9. CONTAGIOUS DISEASES AND ANIMALS TO BE DISTRIBUTED OR TRANSPORTED IN STATE TO BE REPORTED TO THE STATE VETERINARIAN—PENALTY FOR FAILURE.] It shall be the duty of any owner, person or agent in charge of any cattle, horses, mules, asses, sheep or other domestic animals, when such owner, agent or person in charge intends to bring any such animals into this State, for dis-

tribution, sale, residence or transportation, without a certificate of their health from a duly authorized veterinarian or examiner of the state from which such animals are shipped, to give notice, in writing, to the State Veterinarian at least three days before such animals are brought into this State beyond the quarantine station at the State line; and it shall be the duty of any person or persons who shall have knowledge or suspect that there is upon his or their premises, or upon the public domain, any case of contagious or infectious disease among domestic animals or Texas cattle, to immediately report the same to the State Veterinarian, and a failure so to do, or any attempt to conceal the existence of such diseases, or a failure to give notice, before passing the quarantine station at the State line, as in this section required, or to willfully or maliciously obstruct or resist the State Veterinarian or his deputies in the discharge of his duty, as set forth in this act, shall be deemed a misdemeanor, and any person or persons who shall be convicted of any one of the above acts or omissions shall be fined not less than fifty (50) dollars nor more than \$2,000 for each and every such offense; and upon conviction a second time shall, in addition to the above named fine, be imprisoned in the county jail for a term of not less than ninety days nor more than one year.

§ 10. REGULATIONS IN CASES OF DISEASE.] The following regulations shall be observed in all cases of disease covered by this act:

First. It shall be unlawful to sell, give away or in any manner part with any animal affected with, or suspected of being affected with, any contagious or infectious disease, and in case of any animal that may be known to have been affected with or exposed to any such disease within one year prior to such disposal, due notice of the fact shall be given in writing to the party receiving the animal.

Second. It shall be unlawful to kill for butcher purposes any such animal; to sell, give away or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor, and, on conviction, shall be punished by a fine not less than one hundred (100) dollars, nor exceeding two thousand dollars; and, in addition to the above named fine, be imprisoned in the county jail for a term of not less than ninety days nor more than one year. It shall be the duty of the owner, or person having in charge any animal infected with or suspected of being infected with any contagious or infectious disease, to immediately confine the same in a safe place, isolated from all other animals, and with all necessary restrictions to prevent the dissemination of the disease until the arrival of the State Veterinarian. The above regulations shall apply as well to animals in transit through the State as to those resident therein; and the State Veterinarian, or his duly authorized deputy, shall have full authority to examine, whether in car, or yard, or pasture, or stables, or upon the public domain, all ani-

mals passing through the State, or any part of it, and, on detection or suspicion of disease, take possession of and treat and dispose of such animals in the said manner as is prescribed for animals resident in the State.

§ 11. SALARY—TRAVELING EXPENSES—QUALIFICATIONS OF VETERINARIAN—TERM OF OFFICE—BOND.] The State Veterinarian shall receive for his services the sum of \$2,000 per annum, together with his necessary traveling expenses, actually paid out when in the performance of his duty; *Provided*, Such expenses shall not exceed \$2,000 in any one year. These payments shall be made from any funds in the State Treasury, not otherwise appropriated, monthly, upon itemized vouchers, signed and sworn to by him, and submitted to the State Auditor, who shall draw warrants upon the State Treasurer for the amounts, if found correct, separate vouchers being made for salary and expenses. No person shall be competent under this act to receive the appointment of State Veterinarian who is not, at the date of his appointment, either a graduate in good standing of a recognized college of veterinary surgeons or of not less than ten years' actual practice as a veterinary surgeon in this State. He shall hold his office for two years. He may be removed for cause by the Governor, who shall also have power to fill the vacancy, as hereinbefore provided. Before entering upon the discharge of his duties he shall give a bond to the State of North Dakota, with good and sufficient security, in the sum of \$5,000, conditioned for the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the State Veterinarian receive any mileage.

§ 12. WHERE STOCK TO BE QUARANTINED.] The State Veterinarian or his deputy shall select the place or places at which all animals referred to herein shall be quarantined.

§ 13. FINES TO BE PAID INTO SCHOOL FUND.] All fines collected under the provisions of this act shall be paid into the public common school fund.

§ 14. DUTIES OF STATES ATTORNEYS AND ATTORNEY GENERAL.] It is hereby made the duty of the Attorney General or states attorney of the respective counties to prosecute any case, complained of by the State Veterinarian for prosecution, in any justice or district court, within the jurisdiction of which any violation of this act may have been had, and on conviction of violating any of the provisions of this act, the court may award, in addition to the penalties prescribed by law, and add to the judgment such attorney's fees and costs of prosecution as the court may determine just in the premises.

§ 15. COUNTY SHEEP INSPECTORS TO REPORT TO STATE VETERINARIAN — FEES FOR TREATMENT.] It shall, in addition to their duties already defined by law, be the duty of all sheep inspectors, and the State Veterinarian shall require all sheep inspectors to report in writing, at the end of each calendar month, to the State Veterinarian any knowledge or information such

sheep inspectors may possess relative to any diseased sheep which may be within his own or adjacent counties, and whenever, in the opinion of the State Veterinarian, any sheep inspector is incompetent to or neglects or refuses to attend in a proper manner to his duties, the State Veterinarian, in person or by deputy, may take charge of any diseased sheep in such county, and dip and treat them in the manner provided for in the law relating to sheep inspectors, Chapter 135, General Laws of 1885; and the owner, agent or person in charge of such sheep shall be required by the State Veterinarian, in person or by deputy, to pay a fee of five (5) dollars per day, together with the necessary expenses of the State Veterinarian, or his deputy, while in the performance of his duty as set forth in this Section 15, and said fees shall be a lien on the sheep inspected, subject to foreclosure, same as chattel mortgages. All fees and other money collected by the State Veterinarian or his deputy under the provisions of this Section 15 shall be remitted, turned over, receipted for and placed in the State Treasury General Fund, in the same manner as is provided for inspection fees in Section 5 of this act.

§ 16. SHEEP INSPECTION.] In all counties of this State where a sheep inspector has been or may be appointed as provided for by law, the resident sheep therein shall be under the supervision and inspection of such sheep inspector; *Provided, however,* Upon a written application, signed by not less than three sheep owners, the State Veterinarian or his deputy shall visit such county and take such authority or give such directions as in his judgment is necessary.

§ 17. TRANSPORTATION OF DISEASED STOCK PROHIBITED—PENALTY.] No railroad company shall transport any cattle, horses, mules, asses, sheep or other domestic animals into this State, to be unloaded temporarily or consigned to any point within this State, without a certificate of health of such animals from a duly authorized State Veterinarian or examiner from the State from which said animals have been shipped, nor shall any such animals be shipped out of the State without such certificate of health; *Provided, however,* That said veterinarian, surgeon or his deputy shall issue such certificate of health without charge when such animals are shipped out of this State. Any violation of this section shall be deemed a misdemeanor and punished by a fine of not less than fifty (50) dollars nor more than \$5,000.

§ 18. REPEAL.] All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

§ 19. EMERGENCY.] Whereas, an emergency exists in that the existing law is defective and inadequate to enable the State Veterinarian to properly discharge the duties of his office, prior to July 1, 1891; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.