

the boundaries of the commissioner districts it shall be the duty of the county commissioners, at their next regular meeting to consider such petition, and if it shall appear that the commissioner districts of such county are not reasonably equal in population, they shall proceed at once to redistrict such county into commissioner districts.

§ 2. DUTY OF COMMISSIONERS.] In redistricting any county it shall be the duty of the county commissioners to make the districts as regular and as compact in form as practicable, and as equal in population as possible, as shall be determined by the votes cast at the next preceding general election; *Provided*, that no new district shall be so formed that any two of the then acting commissioners shall reside in the same district; and, *Provided, further*, that no county shall be redistricted oftener than once in three (3) years.

§ 3. REPEAL.] That all acts and parts of acts inconsistent or in conflict herewith be and the same are hereby repealed.

Approved, February 8, 1895.

CONTAGIOUS DISEASES.

CHAPTER 35.

[S. B. No. 87.]

DUTIES OF VETERINARIANS.

AN ACT to Prevent the Spread of Contagious, Infectious and Epidemic Diseases Among Domestic Animals, Creating the Office of Chief State Veterinarian, Prescribing the Duties Thereof, and Appropriating Money for the Necessary Expense Thereof.

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

§ 1. STATE VETERINARIAN TO TAKE OATH.] The professor of veterinary science of the State Agricultural college is hereby made Chief State Veterinarian, who shall serve as such without salary, and who shall upon entering upon his duties take an oath to well and truly perform all the duties required of him by law, which said oath shall be taken before any judge of a district court or notary public within the State, and shall be filed with the Secretary of State.

§ 2. DIVISION OF STATE INTO DISTRICTS.] The State shall be divided into seven "veterinarian districts," in each of which there shall be appointed by the governor, by and with the consent of the Senate, one competent veterinarian, who shall be known as

the "district veterinarian," who shall hold their office for a term of two years from the date of their appointments respectively, unless sooner removed for cause, and who upon entering their duties shall each take an oath to well and truly perform their duties as provided by law, which said oath shall be taken before any judge of the district court or notary public within the district of the State, for which they may be appointed, and shall be filed with the Secretary of State.

§ 3. DISTRICTS DEFINED.] District No. 1 shall consist of the first judicial district.

District No. 2 shall consist of the second judicial district.

District No. 3 shall consist of the third judicial district.

District No. 4 shall consist of the fourth judicial district.

District No. 5 shall consist of the fifth judicial district.

District No. 6 shall consist of the sixth judicial district.

District No. 7 shall consist of the seventh judicial district.

§ 4. DUTIES OF CHIEF VETERINARIAN.] The duties of said Chief State Veterinarian shall be to ascertain by personal examination, or through report from the district veterinarian, in such manner as he shall prescribe, all information that he can obtain regarding the existence of any or all contagious, infectious and epidemic diseases in the State. He shall also make a complete and permanent record of all reports of the district veterinarian; shall make an examination of all diseased animals or portions of any such that may be forwarded to him by the district veterinarians, and upon completion of such examination shall instruct the district veterinarians in such way as he may deem proper in regard to the treatment of similar cases. It shall also be his duty to furnish material as far as lies in his power for the diagnosis of contagious diseases, and instruction as to its uses. In case that remedies are discovered for the prevention or cure of contagious diseases such as glanders, tuberculosis, anthrax, hog cholera, foot and mouth disease, and foot rot, it shall be his duty to furnish the district veterinarian, or any person or persons he may see fit to appoint, the remedies so discovered with full directions for application. He shall also be empowered to make quarantine regulations and enforce the same after the approval and authority by the Governor. He shall further prescribe, with the consent of the Governor, the rules and regulations necessary to carry out the purposes of this act.

§ 5. DUTIES OF DISTRICT VETERINARIANS.] The duties of said "district veterinarians" shall be as follows:

First. To investigate in person any and all cases of contagious, infectious and epidemic diseases among cattle, horses, mules, sheep, asses and other domestic animals within his district of which he may have knowledge, and which may be brought to his notice by any resident, or any other person, in any locality within his said district where such disease may exist, and it shall also be his duty in the absence of specific information to make visits of

inspection to any locality within his district where he may have reason to believe that there are contagious or infectious diseases existing among such domestic animals.

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

Third. To examine in person, so often as he may deem reasonable, all pens, enclosures and cars within the district 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 in person 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 disinfection 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 district veterinarian in person to seize and inspect all domestic animals coming into and to remain within his district of the state without a certificate of the health of such animals, from a duly authorized State or district veterinarian or examiner from the state from which said animals have been shipped, and before such animals shall be allowed by the district veterinarian to be transported into and to remain within the State. In addition to such inspection, he shall, in person, require from the owner, 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 that the district 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, and report the same to the Chief State Veterinarian.

§ 6. SEIZURE OF ANIMALS—FEES.] Whenever any domestic animals are seized and inspected under the provisions of this act by the district veterinarian while such animals are being transported in cars, on shipboard or brought into the state in any other manner, the district 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 therein. All money so collected shall be immediately transmitted to the Chief State Veterinarian, together with a detailed report of the seizure and inspection, and it shall be the duty of the Chief 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 Chief State Veterinarian. 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 district veterinarian of any domestic animals in transit through the state without special instructions from the Chief State Veterinarian, where 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.

§ 7. QUARANTINE.] In all cases of contagious or infectious diseases among domestic animals in this State the district veterinarian shall have authority to order the quarantine of the infected premises and animals within his district, and upon such order to immediately report the same to the Chief State Veterinarian, and in case such disease shall become epidemic in any locality within the State it shall be the duty of the district veterinarian of the district where such epidemic may exist or become known, to immediately notify the Chief State Veterinarian, who shall thereupon have authority to enforce a permanent quarantine, and prevent the removal therefrom of any animals of the kind among which said epidemic exists, until the district veterinarian of such district locality shall report such animals to be in healthy condition, and upon such a report a certificate shall be issued by the Chief State Veterinarian permitting the removal of the animals that are reported to be healthy. The expense of holding 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 the same.

§ 8. EPIDEMIC DISEASES—NOTICE OF.] In case of any epidemic diseases where premises and animals have been previously quarantined by order of the Chief State Veterinarian or by the district veterinarian as hereinbefore provided, the district veterinarian is further authorized and empowered, when in his judgment it is necessary, to order that any and all diseased animals shall be quarantined at such places and in such manner as he may direct and shall be held in such quarantine until released by certificate of the Chief State Veterinarian as provided in Section 7 of this act, and in case the district veterinarian shall find that any one or more of the animals so quarantined, and so diseased that it becomes necessary to destroy the same to prevent the spread of such disease to other animals, he shall at once serve, in person, a written notice of his intention to destroy upon the owner, agent

or person in charge of the animals so quarantined and condemned, and if such owner, agent or person in charge of such animals feels aggrieved by the decision of the district veterinarian, and shall desire a consultation of veterinarians, notice in writing to that effect must within 24 hours thereafter be served upon the district veterinarian issuing the notice, and it is hereby made the duty of the resident district veterinarian to summon two district veterinarians from adjoining districts to appear and assist in diagnosing and pronouncing upon the character of the disease with which said animal or animals are supposed to be infected, and in case all three district veterinarians, or any two of them, declare said disease to be contagious or epidemic in its character, and that such animal or animals should be destroyed to prevent the spread of such disease to other animals, the district veterinarian of the district wherein the animal or animals are located shall immediately slaughter such animal or animals and not otherwise, and shall then make in duplicate a written statement, setting forth distinctly the nature of the disease for which such animals were condemned and destroyed, to be served on each owner thereof, the original of each order to be filed by the district veterinarian with the Chief Veterinarian and the duplicate thereof 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 carcass 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 district veterinarian; and it is hereby made the duty of the district veterinarian, in person, to require the owner, agent or person in charge of such slaughtered animals within his district to immediately bury or burn under his personal supervision the carcasses of such slaughtered animals as herein provided, except in all cases where the cause of death is due to anthrax, when they shall immediately be burned.

§ 9. REPORT OF DISTRICT VETERINARIANS.] Each district veterinarian shall make a report at the end of every three months, and at such other times as may be required, to the Chief State Veterinarian of all matters connected with his work, the forms of such reports to be furnished by the Chief State Veterinarian and the Chief State Veterinarian shall transmit to the several boards of county commissioners, as often as he deems necessary, such parts of said reports as may be of general interest to the breeders of live stock, and he 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 any locality, its causes and the measures adopted to check it.

§ 10. CERTIFICATE OF HEALTH—FINE AND IMPRISONMENT.] It shall be the duty of any owner, agent or person in charge of any

cattle, horses, mules, asses, sheep or other domestic animals, where such owner, agent or person in charge thereof intends to bring any such animals into the State for distribution, sale, transportation, or permanent location therein, without the 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 district veterinarian of the district of the State bordering on the State line from which said animals (are) brought at least three days before such animals are brought into this State beyond the quarantine station at the State line of such district, 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, infectious and epidemic disease among domestic animals, to immediately report the same to the district veterinarian of the district wherein such animals or cattle may be, 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 of said district, as in this section required, or to willfully or maliciously obstruct or resist or disobey any order issued by the Chief State Veterinarian or the district veterinarian, or in any way interfere in the discharge of their duties, 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 dollars nor more than two thousand dollars for each and every such offense; and upon conviction of such offense a second time, shall, in addition to the above named fine, be imprisoned in the county jail of the county wherein convicted, or as otherwise provided by law, for a term of not less than ninety days nor more than one year.

§ II. DUTY OF OWNERS OF STOCK—ANIMALS IN TRANSIT.]
The following resolutions 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 effected 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 or use as 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 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, agent or person having in charge any animal infected

with, or suspected with 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 district veterinarian within and for the district wherein the same may be at the time. The above regulations shall apply as well to animals in transit through the state as to those resident therein, and the district veterinarian shall have full authority, within his district, to examine whether in yard, pasture or stables, or upon the public domain, all animals passing through the State, within his district or any part of it, and on detection or suspicion of disease, take possession of and treat and dispose of such animals in the same manner as is prescribed for animals resident within this State.

§ 12. COMPENSATION—BONDS.] Each of said district veterinarians shall receive for their services the sum of six hundred dollars per annum. The payment of such salary shall be made from any funds in the state treasury not otherwise appropriated, monthly, upon itemized vouchers signed and sworn to by each for his separate district and submitted to the state auditor, who shall draw warrants upon the state treasurer for the amount thereof, if found correct, separately. No person shall be competent under this act, to receive the appointment of district veterinarian who is not, at the date of his appointment, a graduate in good standing of a recognized college of veterinary surgeons, or who has not practiced veterinary surgery within this state for at least five years. Before entering upon the discharge of his duties he shall give a bond to the State of North Dakota, with a good and sufficient surety, in the sum of two thousand dollars, conditioned on the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the district veterinarian receive any mileage, except when called in cases of consultation as hereinbefore provided, when he shall receive actual expenses paid by him.

§ 13. PLACES OF QUARANTINE.] The district veterinarians shall select the place or places within their respective districts at which all animals referred to herein shall be quarantined.

§ 14. FINES.] All fines collected under the provisions of this act shall be paid into the general funds of the state.

§ 15. DUTY OF ATTORNEY GENERAL.] It is hereby made the duty of the Attorney General or State's attorney of the respective counties of the veterinarian district to prosecute any case complained of by the district veterinarian of such district 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 violation of any of the provisions of this act, the court, in addition to the penalties prescribed by law, shall add thereto reasonable attorney's fee, as it may be determined just in the premises.

§ 16. DUTY OF SHEEP INSPECTORS.] It shall, in addition to their duties already defined by law, be the duty of all sheep inspectors, and the district veterinarian (who is hereby authorized to appoint such inspectors) shall require all sheep inspectors within their respective districts to report to them in writing, at the end of each calendar month, any knowledge or information such sheep inspectors may possess relative to any diseased sheep which may be within his own or adjacent counties within the veterinarian district wherein said county or adjacent counties may form a part, and the district veterinarian shall report to the Chief State Veterinarian all the information that he obtains from the reports received from the sheep inspectors; and whenever, in the opinion of the district veterinarian, any sheep inspector within his district is incompetent to, or neglects or refuses to attend in a proper manner to his duties, the district veterinarian of such district shall 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 when such action shall become necessary, he shall report the same to the Chief State Veterinarian, who shall give such assistance as is in his power, and, in addition thereto, the district veterinarian shall, when by reason of incompetency or neglect to perform his duties as such sheep inspector, the district veterinarian is hereby required to remove said inspector and to appoint some competent person in his place. The owner, agent or person in charge of such sheep shall be required by the district veterinarian, upon his performance of duty as set forth in this section, to pay a fee of five dollars per day, together with the necessary expenses, and said fees shall be a lien upon the sheep inspected, subject to foreclosure the same as chattel mortgages. All fees or moneys collected by the district veterinarian under the provisions of this act shall be remitted, turned over and receipted for the same as other funds that may pass through their hands, as prescribed by Section 6 of this act.

§ 17. JURISDICTION OF INSPECTOR.] In all the 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 district veterinarian shall visit such county and take such authority or give such directions as in his judgment is necessary.

§ 18. INSPECTOR'S COMPENSATION.] The inspector shall receive for his services five (5) dollars per day while necessarily employed in inspecting, which shall be paid out of the county general fund and in the same manner and form as claims against the county are paid; *Provided, however,* the board of county commissioners shall require such sheep inspector to present an itemized statement of the number of sheep inspected and the number

of days actually employed in the performance of his official duties, such statement to be approved by the district veterinarian of the district in which such inspector is engaged.

§ 19. STATE VETERINARIAN—ADDITIONAL DUTIES.] In addition to the duties of the Chief State Veterinarian hereinbefore described, he shall make an annual report to the Governor on or before the first day of December of all matters connected with his work, and in addition thereto may, from time to time, as in his judgment seems best, publish bulletins for general distribution, giving information as to the existence of animal diseases in the State, and such suggestions thereto as to care and treatment as he thinks proper.

§ 20. APPROPRIATION.] For the purpose of carrying out the provisions of this act as herein set forth, there shall be appropriated out of any money in the State treasury not otherwise appropriated, an annual sum of thirty-six hundred dollars with which to pay the salaries of the district veterinarians, and the further annual amount of five hundred dollars for stationary, clerk hire and all traveling and other necessary expenses of the Chief State Veterinarian.

§ 21. SERIOUS OUTBREAKS OF DISEASES.] In case of any serious outbreak of any contagious, infectious or epidemic diseases among domestic animals, which cannot be supervised by the district veterinarian, the Chief State Veterinarian shall at once notify the Governor, who shall thereupon appoint a sufficient number of deputies to perform the required duties at such compensation as he may deem proper, not to exceed five dollars per day for the actual time employed, the same to be paid out of the general fund of the State upon vouchers duly approved by the Governor and the Chief State Veterinarian.

§ 22. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 23. EMERGENCY.] An emergency exists in that the existing law is inadequate to prevent the spread of contagious and infectious diseases among domestic animals within the State, this act should take effect prior to July 1st 1895. *Therefore* this act shall take effect and be force from and after its passage and approval.

Approved, March 23, 1895.