

Whenever it shall satisfactory appear to a court that any bond, bill, note, assurance, pledge, mortgage, contract, security or other evidence of debt has been received in violation of the provisions of this act, the court shall declare the same to be void, and enjoin any proceedings thereon, and shall order the same to be cancelled and delivered up.

§ 11. BUILDING AND LOAN ASSOCIATIONS EXEMPT.] None of the provisions of this act shall apply to any building and loan association incorporated under the provisions of any law of this State.

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 All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 31, 1890.

VETERINARY SURGEON.

CHAPTER 185.

[H. F. 302.]

RELATING TO 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 veterinary surgeon, who shall be known as the "State Veterinary Surgeon," and on entering on his duties shall take an oath to well and truly perform his duties as provided by law.

§ 2. DUTIES.] The duties of said Veterinary Surgeon shall be as follows:

First. To investigate any and all cases of contagious or infectious diseases among cattle, horses, mules, asses, and other domestic animals in this State of which he may have a knowledge, or which may be brought to his notice by any resident in the locality where such disease exists, and it shall be his duty in the absence of specific information to make visits of inspection to any locality where he may have reason to suspect that there are contagions or infections.

§ 3. 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 Veterinary Surgeon shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in this State, the State Veterinary Surgeon shall immediately notify the Governor of the State, who shall thereupon issue his proclamation, forbidding any animal of the kind among which said epidemic exists to be transferred from said locality without a certificate from the State Veterinary Surgeon showing such animal to be healthy. The expenses 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 stock.

§ 4. WHEN MAY ORDER SLAUGHTER OF DISEASED ANIMALS.] In case of any epidemic diseases, where premises have been previously quarantined by the State Veterinary Surgeon, 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 Veterinary Surgeon with the Governor of the State, and the duplicate given to said owner.

§ 5. ANNUAL REPORT TO GOVERNOR—GOVERNOR TO TRANSMIT REPORT TO COUNTY COMMISSIONERS.] The State Veterinary Surgeon 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 eruption of disease, in each locality, its cause, and the measures adopted to check it.

§ 6. CONTAGIOUS DISEASES TO BE REPORTED TO VETERINARY SURGEON—PENALTY FOR FAILURE.] It shall be the duty of any person or persons who shall have 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 Veterinary Surgeon, and a failure so to do, or any attempt to conceal the existence of such diseases, or to willfully or maliciously obstruct or resist the State Veterinary Surgeon in the discharge of his duty as hereinbefore set forth, 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 five hundred (500) dollars 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 not less than thirty days nor more than six months.

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

1. It shall be unlawful to sell, give away, or in any manner part with any animal, affected with, or suspected of being affected with 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.

2. 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 five hundred (500) dollars. It shall be the duty of the owner or person having in charge any animal affected with or suspected of being affected with any contagious or infectious disease, to immediately confine the same in a safe place isolated from other animals, and with all necessary restrictions to prevent the dissemination of the disease until the arrival of the State Veterinary Surgeon. The above regulations shall apply as well to animals in transit through the State as to those resident therein; and the State Veterinary Surgeon or his duly authorized agent shall have full authority to examine, whether in car, or yards, or pastures, or stables, or upon the public domain, all animals passing through the State or any part of it, and on detection or suspicion of disease, take possession of and treat, and dispose of animals in the said manner as is prescribed for animals resident in the State.

§ 8. SALARY—TRAVELING EXPENSES—QUALIFICATIONS OF VETERINARY—TERM OF OFFICE—BOND.] The State Veterinary Surgeon shall receive for his services the sum of \$1,000 per annum, together with his necessary traveling expenses, not exceeding five hundred (500) dollars in any one year, actually paid out when in performance of his duty. 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 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 Veterinary Surgeon 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 five years actual practice as a veterinary surgeon. 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 Veterinary Surgeon receive any mileage.

§ 9. WHERE STOCK TO BE QUARANTINED.] The State Veterinary Surgeon shall select the place or places where stock shall be quarantined.

§ 10. 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.

§ 11. DUTIES OF STATE'S ATTORNEYS AND ATTORNEY GENERAL.] It is hereby made the duty of the Attorney General or state's attorney of the respective counties to prosecute any case complained of 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.

§ 12. EMERGENCY.] Whereas, an emergency exists in that, in order to carry out the provisions of this act, it is necessary that the State Veterinary Surgeon should be appointed prior to July 1, 1890; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 29, 1890.

CHAPTER 186.

[S. F. 90.]

REPEALING VETERINARY SURGEON LAW OF 1887.

AN ACT to Repeal Chapter 32 of the Session Laws of 1887, Entitled "An Act to Suppress and 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. REPEAL.] That Chapter 32 of the Session Laws of 1887, be, and the same is hereby repealed.

Approved February 20, 1890.