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An act to amend title 42
Livestock. Revised
Statutes of Arizona, 1901.

AN ACT

TO

AMEND TITLE 42

LIVESTOCK.

REVISED STATUTES OF ARIZONA, 1901.

Approved March 17, 1903.

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"An Act to Amend Title 42; Livestock, Revised Statutes of Arizona, 1901, and to repeal paragraphs 2990, 2991, 2994, 2995, 2997, 3009, 3011, 3015, 3018, 3019, 3024, 3026, 3027, 3032, 3035, of said Title 42."

Section 1. The said Board shall prescribe rules and regulations for the seizure and selling of stray stock. They shall furnish suitable blanks in triplicate, upon which all inspectors shall keep a record of their inspections, and upon which they shall report to the Board all inspections made; the inspection reports, whether in the hands of the inspector or in the office of the Board, shall at all times be open to any person or persons desiring to examine them, and the secretary of the Board shall give to any person inquiring any desired information obtainable from the inspection records.

Sec. 2. The said Board is hereby authorized, and it is made its duty, to exercise a general supervision over, and so far as may be, protect the stock interests of the territory from theft, and the public from diseased and unwholesome meat products; and in furtherance of these objects the said board shall advise and recommend from time to time such legislation as in its judgment will foster this important industry; and shall appoint such live stock inspectors and detectives and slaughter-house inspectors and detectives as it may deem necessary for the furtherance of these objects under the regulations hereinafter provided.

Such inspectors and detectives shall be under the exclusive

direction and control of the Board, and shall report to it all their official acts hereinafter provided. The said Board shall cause to be kept in a safe place a permanent record of its own acts and of all the official reports of said inspectors and detectives. The Board may appoint a secretary and pay him for the clerical work and keeping the records of the inspection service, a sum not exceeding eighteen hundred dollars a year.

Sec. 3. Whenever any funds received by the said Board from the sale of strays shall have remained in its possession for twelve months without any owner having been found, it shall be the duty of the chairman of the Board to pay the same to the territorial treasurer, to be placed by him in the License and Inspection Fund hereafter provided for.

Sec. 4. It shall be the duty of the board upon petition of not less than five cattlemen, each of whom shall be the owner of not less than fifty head of cattle in the territory of Arizona, to appoint livestock inspectors at any point at which no regularly appointed inspector has been installed, who shall hold office at the will and pleasure of the Board.

Sec. 5. Any inspector or civil officer shall have power to, and may seize and sequester all unmarked or unbranded calves or yearlings, and all animals freshly marked or branded, or any livestock the ownership of which is questioned, unless such animals are identified by proof.

Sec. 6. Every inspector shall have power to, and may seize and sequester all unbranded animals, or hides, or animals or hides upon which the mark or brand cannot be ascertained, unless such animals or hides are identified as provided in the preceding section.

Sec. 7. When the inspector or other officer has seized any hides or animals, as provided for in sections 5 and 6 of this act, he shall report the fact to some judge of the district court, or justice of the peace, according as the value of the property seized may come within the jurisdiction of either of said courts, and it shall be the duty of said judge or justice to issue or cause to be issued a citation, addressed, "To all whom it may concern," setting forth a seizure of said property, with a de-

scription of the same, commanding them to appear at a day named in said citation, to show cause why said property should not be forfeited to the territory, and sold. Said citation shall be addressed to the sheriff or any constable of the county in which the property was seized, who shall cause certified copies of the same to be posted in three public places in the said county, for a period of ten days before the day mentioned in the said citation. Upon proof of the posting of said citation, as herein required, it shall be the duty of the judge or justice of the peace issuing said citation, unless satisfactory proof is made of the ownership of said property, or other sufficient cause be shown why the same should not be condemned; and in case of condemnation he shall order the same to be sold by the inspector at public auction to the highest bidder. The inspector shall be entitled to retain one-fourth of the net proceeds of such sale, after deducting therefrom all expenses connected therewith, and he shall immediately remit the remaining three-fourths thereof to the Board, to be placed in the License and Inspection Fund.

Sec. 8. Every inspector shall have the power to appoint as many deputies as shall be necessary to perform the duties imposed on them by this act, and such deputies shall have the same power and authority to perform the duties of their office as their principal; and the inspectors shall require bond and security of their deputies for the faithful performance of their duties; and said deputies shall, before entering on their duties, take and subscribe the oath of office as prescribed by law, which, together with the certificate of the officer administering the same, shall be endorsed upon the bond; and the inspector shall be responsible to any persons injured thereby for the official acts of each of their deputies, and they shall have the same remedy against their deputies and their sureties as any person can have against the inspectors and their sureties.

Sec. 9. Every inspector shall have authority to authenticate bills of sale of animals and brands and marks and give certificates of acknowledgment of same under his hand and seal, and take acknowledgments to applications for brands and marks, provided, that no inspector shall be entitled to receive a fee of

more than twenty-five cents for taking any single acknowledgment.

Sec. 10. No inspector shall grant any certificate of inspection of any unbranded hides or animals, or of any hides or animals upon which the marks and brands cannot be ascertained; and he shall prevent the same from being taken or shipped out of the county unless they are identified by proof, or by a bill of sale signed by the proven owner of such hides or animals, and duly acknowledged before some officer authorized to take acknowledgments and such bills of sale.

Provided, that all cattle that are sold and driven to be delivered in fields or pasture shall be inspected for brands and marks upon delivery in such fields or pasture, and the inspector making such inspection shall report such inspection to the board as other inspections are reported.

Sec. 11. Any person who shall receive appointment to be inspector, before entering upon the performance of his duties, shall take the oath of office prescribed by law, and shall file a bond in the sum of five hundred dollars with the county recorder of the county wherein he resides, running in the name of the territory, executed by himself, and at least two good and sufficient sureties, which bond shall be approved by the chairman of the board of supervisors of said county. The condition of the bond shall be such, that in the event of failure to properly perform the duties of his office, suit on said bond may be brought by the board in the name of the Territory for the amount of the bond, and the amount so recovered, over and above any amount that may be necessary to compensate any person for actual loss sustained through such neglect, shall be paid into the License and Inspection Fund.

Sec. 12. Wherever the word inspector occurs in this act, it shall be construed to apply equally to all deputy inspectors duly qualified as provided for in this act.

The seal press furnished to inspectors by the Board shall be his official seal.

Sec. 13. The Live Stock Sanitary Board shall grant to

each and every applicant therefor on the payment of the fees herein provided for, a license to slaughter horned and neat cattle, swine, sheep and goats, as may be set forth in such application for the unexpired portion of the calendar year in which such license is granted. If the business is to be carried on within, or within four miles of any town of more than five thousand inhabitants, the applicant shall pay to the Board a sum equal to one hundred and fifty dollars per annum for a license to operate such business of slaughtering, at a fixed and definite slaughtering place; in case the business is to be carried on within, or within four miles of any town or village of more than three thousand and less than five thousand inhabitants, the applicant shall pay at the rate of one hundred and twenty dollars per annum for such license; in case the business is to be carried on within, or within four miles of any town or village of over one thousand and not less than three thousand inhabitants, the applicant shall pay at the rate of ninety dollars per annum for such license,; and in all other cases at the rate of thirty dollars per annum for such slaughtering license; provided, that no license shall be granted for a shorter term than to December 31st of the year in which it is issued.

Sec. 14. The applicant for such license shall make written application to the Board therefor, and state in his application where his slaughter house is or will be located during the term for which such license is issued, and he shall not during the term of such license, slaughter any meat or horned cattle, swine, sheep or goats, at any other place than that specified in his license. Provided, that if for any reason the holder of a license desires to change the location of such slaughtering place, he shall apply to the said board to have such license transferred to cover such change. And such board may re-issue such license on application therefor without any additional charge for the unexpired term of such license.

Sec. 15. Any person, firm or corporation who shall slaughter any meat or horned cattle, swine, sheep or goats, or other domestic animal, for sale or for the sale of meat, or who shall offer for sale the meat of any of the said animals, shall

be considered a butcher within the meaning of the law.

Sec. 16. Any person, firm or corporation who shall import or bring into the Territory of Arizona, the meat of any domestic animal for sale for food, or who shall offer for sale the meat of any domestic animal, whether fresh, salted or dried, that has not been slaughtered under the provisions of this act, or has not passed the inspection of a United States government meat inspector, shall be subject to the same license fees, regulations and penalties as are prescribed for persons slaughtering animals for the sale of meat in the Territory of Arizona.

Sec. 17. Any ranchman or other person, not a butcher, who shall slaughter his or their own cattle for consumption on their ranches or elsewhere, and not for sale, shall retain or cause to be retained in his or their possession, the hides taken off such animals, with the earmarks attached thereto, and without any alteration or disfiguration of the brands or marks on said hides or ears, until such hides have been inspected and tagged as required by the provisions of the law.

Sec. 18. All moneys received by the board for the licenses provided for in this act shall be turned over to the territorial treasurer, to be deposited in a special fund to be known as the License and Inspection Fund, and shall be subject only to warrants drawn by the territorial auditor on demand of the chairman of the Live Stock Sanitary Board, duly countersigned by its secretary, for the payment of inspectors, attorneys' fees, and such other expenses as may be incurred to enforce the provisions of the stock laws.

Sec. 19. The Live Stock Sanitary Board may record all such marks and brands as may be adopted by the owners of range animals in a book kept by it for that purpose. Every recorded brand and mark, or brand or mark, that is of record in the territorial brand book, or that may become of record in said brand book, shall be subject to a tax of \$2.50 per annum, payable in advance, which said amount shall be remitted to the Live Stock Sanitary Board, to be turned over to the territorial treasurer to the credit of the License and Inspection Fund, on

or before the first day of July of each year, and it shall be unlawful for any person to use any brand or mark for branding or marking any live stock after the first day of July of any year, until such tax has been paid. Any person, firm or corporation owning more than one brand and mark of record in the territorial brand book shall send to the board at the time above specified, a list of all such recorded brands and marks owned by them, and shall state which brands and marks or brands or marks, they will keep up in branding and marking or branding or marking their live stock, and transmit therewith the sum of two dollars and fifty cents (\$2.50) for each brand and mark, or brand or mark to be kept up, covering the tax on same to the first day of July next following. Provided, that this section shall not apply to farmers who keep their live stock under close fence.

Sec. 20. The Board shall issue a receipt for each and every sum received under the provisions of the preceding section, which shall set forth the brand and mark, or brand or mark, for which the tax was paid, the certificate number, the name, post office address, and range of the owner, and which shall authorize the owner to use the brand and mark or brand or mark specified therein to the first day of July next following; and such certificate shall be prima facie evidence in all the courts of this territory of the matters therein contained, during the period for which it was issued.

Sec. 21. It shall be unlawful for any person, firm or corporation, after the first day of July, 1903, to use any brand or mark for branding or marking any range animals which is not of record in the territorial brand book, and upon which the tax provided for in this act has not been paid. Any live stock found freshly branded in any such brands, and upon which the brand or mark is not healed, shall be subject to seizure and confiscation under the provisions of sections 6 and 7 of this act.

Sec. 22. Any person, firm or corporation owning a brand or mark that is of record in the territorial brand book, who shall neglect or fail to pay the tax on same, as provided in this act, within ninety days from the first day of July of any year,

shall forfeit all right and title to the use of the said brand and mark.

Sec. 23. Any person violating any of the provisions of this act, the penalty of which is not otherwise provided for, shall be adjudged guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum of not less than ten or more than three hundred dollars, or be imprisoned in the county jail for not less than ten days, or more than six months, or by both such fine and imprisonment, in the discretion of the court. Nothing in this act shall be construed to repeal any existing law imposing penalties for the unlawful taking, driving, killing, branding, defacing of brands or other unlawful handling of any of the kinds of animals mentioned herein.

Sec. 24. All acts or parts of acts in conflict with this act are hereby repealed. Paragraphs 2990, 2991, 2994, 2995, 2997, 3009, 3011, 3015, 3018, 3019, 3024, 3026, 3027, 3032, 3035, of said Title 42, Revised Statutes of Arizona, 1901, are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its passage.

