

# **Live Stock Laws of Arizona**

**Title 42  
Revised Statutes of  
Arizona  
1901**

**Issued September 1, 1901  
by the  
Live Stock Sanitary Board  
Phoenix, Arizona**

**Address all communications to  
Live Stock Sanitary Board  
Phoenix, Arizona**

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1901

# LIVE STOCK LAWS

  

## OF ARIZONA.

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TITLE XLII.  
REVISED STATUTES OF ARIZONA  
1901

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# TITLE XLII.

## LIVE STOCK.

2975. (Section 1.) Three commissioners identified with and experienced in the live stock interests of the Territory of Arizona shall be appointed by the governor, with the advice and consent of the legislative council, who shall constitute the live stock sanitary board of the Territory of Arizona.

Live stock sanitary board.

2976. (Sec. 2.) Before entering upon the duties of his office, each commissioner shall take and subscribe the oath of office according to law, and file the same with the secretary of the Territory; and each commissioner before entering upon the performance of his duties shall execute a bond in the sum of two thousand dollars, conditioned that he will faithfully perform the duties of his office, which bond shall be approved by the governor and filed in the office of the secretary of the Territory. The term of office of the first commissioner named by the governor shall be for three years from the first day of April, 1897; the second one named shall be for two years, and the third one named shall be for one year from said first day of April, 1897, and the successors of each shall be appointed for the term of three years thereafter. The governor shall have power to fill vacancies in said board. Said board shall elect one of their number chairman. The board shall keep a full and complete record of their proceedings, and make such report to the governor as may from time to time be required, and a biennial report to the legislative assembly, such report to be made in triplicate. The members of the board appointed by the governor as hereinbefore provided, shall receive ten (\$10.00) dollars per day for the time by them necessarily employed in discharging the duties required by this title: Provided,

Qualification of members of.

Term of office.

Salary.

however, That in no one year shall the board be in session more than sixty days, except upon call of the governor; and each member of the board shall receive five cents for each and every mile actually traveled, which per diem and mileage shall be paid on the warrant of the auditor; to be issued on the filing in the auditor's office of an itemized account therefor, properly certified thereto by such member, duly countersigned by the secretary, with the seal of the board and approval of its chairman; but before any mileage shall be allowed or paid, the one claiming the mileage shall make and file with the territorial auditor his affidavit, stating the distance traveled, the most direct route from his home to the place of the meeting of the board.

Veterinary surgeon.

2977. (Sec. 3.) The governor shall nominate, and by and with the advice and consent of the legislative council, appoint a skilled veterinary surgeon for the Territory of Arizona, who, at the date of such appointment, shall be a graduate in good standing of a recognized college of veterinary surgeons, and who shall hold his office for the term of two years, unless sooner removed by the board; the salary of said veterinary surgeon shall be the sum of eighteen (\$1800.00) hundred dollars per annum, and ten cents per mile for each mile actually and necessarily traveled in the discharge of his duties. Before entering upon the discharge of his duties, the territorial veterinarian shall take and subscribe an oath to faithfully perform the duties of his said office, and shall execute a bond to the Territory of Arizona in the sum of five thousand (\$5,000.00) dollars, with good and sufficient sureties, conditioned for the faithful performance of the duties of his office, which bond and sureties thereto shall be approved by the governor; and said bond together with his oath of office, shall be deposited in the office of the secretary of the Territory.

Disease to be reported to board or veterinarian.

2978. (Sec. 4.) It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, suspects or has reason to believe that any of his domestic animals, or domestic animals in his

charge, are affected with any infectious or contagious disease, to immediately notify such fact, belief or suspicion to the board or any member of it, or to the territorial veterinarian; and it shall be the duty of any person who discovers the existence of any contagious or infectious disease among the domestic animals of another, to report the same to the said board or territorial veterinarian, and any attempt to conceal the existence of such disease, or to wilfully or maliciously obstruct or resist said board or the territorial veterinarian in the discharge of their duties, as herein set forth, shall be deemed a misdemeanor.

2979. (Sec. 5.) It shall be the duty of the board provided for in the first section of this title to protect the health of the domestic animals of the Territory from all contagious and infectious diseases of a malignant character, and for this purpose it is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations, including methods of disinfecting railroad cars, as it may deem necessary. It shall be the duty of any member of said board, upon receipt by him of reliable information of the existence among the domestic animals of the Territory of any malignant disease, to immediately notify the territorial veterinarian, who shall go at once to the place where any such disease is alleged to exist, and make a careful examination of the animals believed to be affected with any such disease and ascertain, if possible, what, if any, disease exists among the live stock reported to be affected, and whether the same is contagious or infectious or not, and if said disease is found to be of a malignant, contagious or infectious character he shall direct a temporary quarantine and sanitary regulations necessary to prevent the spread of any such disease and report forthwith his findings and action to the chairman of the board.

Duty of the live stock sanitary board.

2980. (Sec. 6.) Upon the receipt of the chairman of the board of the report of the territorial veterinarian provided for in the next preceding section, he shall

Chairman must call meeting, when.

immediately, if the exigencies of the case require it, convene the board at the most convenient place, and if upon consideration of the report of the veterinarian, the board shall be satisfied that any contagious or infectious disease exist which seriously affects the health of domestic animals, they shall, after ascertaining and determinating the extent of premises or grounds infected authorize the veterinarian to establish the quarantine, sanitary and police regulations necessary to circumscribe and exterminate such disease; and no domestic animal liable to become infected with the disease, or capable of communicating the same, shall be permitted to leave the district, premises or grounds so quarantined, except by the authority of the veterinarian. The said board shall prescribe such rules and regulations as will enable the veterinarian to perfectly isolate the disease, and exposed animals from all other domestic animals which are susceptible of becoming infected with the disease; they shall also, from time prescribe and enforce such directions, rules and regulations as to separating, mode of handling, treating, feeding and caring for such infected or diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and the said board or any of the members thereof, or said veterinarian, are hereby authorized and empowered to enter upon any ground or premises to carry out the provisions of this title.

The board must notify the governor on establishing a quarantine.

2981. (Sec. 7.) When the said board shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious or infectious disease found to exist among the live stock of the Territory, and given its orders as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the governor thereof, who shall issue his proclamation, proclaiming the boundary of such quarantine, and the orders, rules and regulations prescribed by the board, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the

district, premises, places or grounds so quarantined, or by being published in the stock papers of the Territory: Provided, That if the board decides that it is not necessary, by reason of the limited extent of the district in which such disease exists that a proclamation should be issued, then none shall be issued, but the board shall give notice as to it shall seem best to make the quarantine established effective.

2982. (Sec. 8.) In any case of epidemic disease where premises have been previously quarantined by the territorial veterinarian, as before provided, he is further authorized and empowered, when in his judgment necessary, by and with the consent of the said board, to order the slaughter of any, or of all diseased animals upon said premises, and of all animals that have been exposed to contagion or infection under the following restrictions: The order for slaughter shall be in writing, and shall be made in duplicate, and there shall be a distinct order and a duplicate for each owner of the animal or animals condemned, the original of each order to be filed in the office of the said board and the duplicate given to the said owner. And further, before slaughtering any animal or animals that have been exposed only, and do not show disease, the veterinarian shall call in consultation with him two reputable practicing veterinarians or physicians, residents of the territory, or, if this is impracticable, then two reputable and well known stock owners, residents of the territory, and shall have the written indorsement upon his orders of at least one of said consulting physicians or stock owners, stating that said action is necessary and the consent in writing of the owner or person in charge before such animal or animals shall be slaughtered. It shall be the duty of the territorial veterinarian to superintend the slaughtering of such animals as may be condemned, and also the destruction of the carcass, causing the same to be destroyed as cheaply as practicable, which destruction shall be by burning to ashes, and shall include every part of the animal and hide,

Veterinarian with the consent of the board may order certain animals slaughtered.

and also excrement and stable bedding or corral litter, as far as possible.

Penalty for selling infected animals.

2983. (Sec. 9.) Any person, persons, firm or corporation who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or after having received notice that such animal is so affected, who shall sell, drive, ship, trade or give away such diseased animal or animals which have been exposed to such infection or contagion, sheep infected with scab upon the range excepted, or who shall move or drive any domestic animal in violation of any direction, rule, regulation or order establishing and regulating quarantines, shall be deemed guilty of a misdemeanor: Provided, That any owner of any domestic animal which has been affected with, or exposed to any contagious or infectious disease may dispose of the same after having obtained from the territorial veterinarian a bill of health of such animal. It shall be unlawful to kill for butcher purposes any diseased animal, to sell, give away or use any part of it, or its milk, or to remove any part of the skin.

Governor may establish quarantine against other states by proclamation.

2984. (Sec. 10.) Whenever the said board shall have good reason to believe that any contagious or infectious disease exists in any other state, territory or countries, or that there are conditions that render domestic animals from such districts liable to convey such disease, they shall report the same to the governor. Thereupon the governor shall by proclamation, prohibit the importation of any live stock of the kind diseased in the Territory, unless accompanied with a certificate of health given by a duly authorized state or territorial veterinarian, and all such animals arriving in this Territory shall be examined upon arrival by the territorial veterinary surgeon, and if deemed necessary placed in close quarantine until all danger of infection is passed, when they shall be released by order of the territorial veterinarian. All expense connected with such examination shall be paid by the owner or owners of such stock.

2985. (Sec. 11.) It shall be unlawful for any person, persons, firm or corporation to drive or transport, or cause to be driven or transported into the Territory of Arizona any live stock from those states, territories or countries, against which the governor has proclaimed a quarantine, as hereby provided for in the preceding section: Provided, That cattle in transit through the Territory on a railroad, when not unloaded, are not liable to any penalties attached to this title; otherwise the regulations contained herein shall apply as well to those animals in transit through the Territory, as to those resident therein; and the said board, a member thereof or the territorial veterinary surgeon, shall have full authority to examine, whether in yards or pasture, or stables, or upon the public domain, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, to take possession of and treat and dispose of said animals in the same manner as is prescribed for animals resident in the Territory.

Transporting diseased animals through the territory forbidden.

2986. (Sec. 12.) Any person, persons, firm, corporation, owner or agent, who shall knowingly bring into this Territory any domestic animal or animals infected with any contagious or infectious disease, or any animal or animals which have been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor.

Penalty for importing infected animals.

2987. (Sec. 13.) Except as otherwise provided in this title any person, persons, firm, corporation, owner or agent who shall violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of this title, or who shall violate, disregard or evade, or attempt to violate, disregard or evade any of the rules, regulations, orders or directions of the said board establishing and governing quarantine, shall be deemed guilty of a misdemeanor; and any person, persons, firm, corporation, owner or agent who violate any of the provisions hereof, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than fifty

General penalty for violating this title.

nor more than three hundred dollars, and shall be liable for any damage that may be sustained by reason of their failure to comply with the provisions of said sections.

Board may employ necessary assistance.

2988. (Sec. 14.) The said board shall have the power to employ such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given, as hereinbefore provided that no laborer shall be employed, or material or supplies purchased by the said board, except such additional labor, material and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the said board.

Board may ask officers to aid in enforcing their orders.

2989. (Sec. 15.) The said commissioners shall have the power to call upon any sheriff, undersheriff, deputy sheriff, constable, cattle inspector or detective to execute their orders, and such officers shall obey the orders of said board; and the officers performing such duties shall receive compensation therefor as is prescribed by laws for like services; and any officer may arrest on view, and take before any magistrate of the county, any person found violating any of the provisions hereof; and such officer shall immediately notify the district attorney of such county of such arrest, and he shall prosecute the person so offending according to law.

Board to protect stock interests of territory.

2990. (Sec. 16.) The board is hereby authorized and it is made its duty, to exercise a general supervision over, and so far as may be to protect the stock interests of the Territory from theft; and in furtherance of this object, the said board shall devise and recommend from time to time such legislation as, in their judgment, will foster this important industry; and shall appoint such inspectors as they may deem necessary for the better protection of the live stock interests of the Territory. Said inspectors shall be under the exclusive direction and control of the board, and shall report to it all their official acts, as prescribed in the rules and regulations of the board. The board shall cause to be kept in a safe place a permanent record of their own acts and of all official reports of inspectors, and may appoint a secretary and pay him for the clerical work and keeping

the records of the inspection service a sum not exceeding one hundred dollars per month.

System of inspection to be devised by the board.

2991. (Sec. 17.) The board shall devise a system of inspection for health and for marks and brands of all stock exported from the Territory, of all stock slaughtered in the Territory and of all stock that may be driven from one range to another in the Territory; and shall prescribe rules and regulations for the seizure and selling of stray stock in the brand of unknown owners; and all stock running in unrecorded brands; for discovering unknown owners and for remitting to them the proceeds of such sale, if such owners be the bona fide and lawful owners thereof. They shall furnish suitable blanks in triplicate, upon which all inspectors shall keep a record of their inspection, 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.

2992. (Sec. 18.) The inspectors are empowered and it shall be their duty, to arrest all persons who violate the stock laws of this Territory, and shall, upon information that any person or persons have committed any crime or misdemeanor against the laws of this Territory, in feloniously marking or branding any stock, or other crime or misdemeanor under the laws of this Territory, for the protection of the rights and interests of stock owners, make the necessary affidavit for the arrest and examination of such person or persons; and shall only upon warrants issued therefor by any officer authorized to issue the same, immediately arrest such person or persons and bring them before the proper officer, to be dealt with according to law, and shall make due return of said warrant, and notify the board of his acts and doings in that behalf; and it shall be the duty of the board in every proper way to assist in the prosecution and conviction of any and all persons guilty of

Inspectors may arrest violators of stock law.

any of the crimes and misdemeanors against the laws of this Territory in feloniously marking or branding, or stealing any stock, or other crime or misdemeanor under any of the laws of this Territory for the protection of the rights and interests of stock owners.

Accounts to be Approved by the board.

2993. (Sec. 19.) All accounts shall be presented to the board, accompanied with triplicate vouchers, two of which shall be filed in the office of the board; they shall be examined, considered and approved for payment, if ascertained to be correct, and thereupon certified by the chairman, and countersigned by the secretary to the territorial auditor, setting forth each item covered in said certificate. The territorial auditor shall then draw his warrant on the territorial treasurer for the respective amount set forth in each specified account, and the treasurer shall pay the same as other territorial warrants are paid: Provided, That no warrant shall be issued in payment for the printing of the reports of the live stock sanitary board.

Funds received by the board remaining unclaimed must be paid territorial treasurer.

2994. (Sec. 20.) Whenever any funds, received by the board from the sale of stock, shall have remained in its possession for twelve months without any owner thereof having been found, it shall be the duty of the chairman of the board to pay the same to the territorial treasurer, to be by him placed to the credit of the general fund of the Territory.

Must appoint stock inspectors.

2995. (Sec. 21.) It is the duty of the board upon a petition signed by not less than twenty-five persons, each of whom shall be interested and engaged in the business of owning and breeding live stock in the Territory of Arizona, to appoint stock inspectors who shall hold their offices at the will and pleasure of the board.

Must inspect for health and marks and brands.

2996. (Sec. 22.) It is the duty of inspectors under rules and regulations prescribed by the board, to inspect for health and for marks and brands, at the railway loading stations, at the place of exit from the Territory, and at all places where neat cattle are gathered to be driven off their range for any purpose, or that are being driven away from their usual range, wheresoever and whensoever the inspector shall encounter them or

designate, all neat cattle about to be or which are being shipped, gathered or driven from any place in the Territory to any other place either in or out of the Territory, and to require from the owner or owners, person or persons, in charge of such stock a list of the brands and marks, and to make sure by inspection that any and all live stock being shipped or driven as aforesaid is not stolen property, and that the person or persons in charge are the owners thereof, or are properly authorized in writing to handle such stock. The inspector shall make a permanent record of such inspection, showing the place and date of making the same, the name of the owner or owners, the person or persons in charge of said stock, the kind and description of stock, together with the number in each brand and mark, and all other and further necessary information, which said record shall be open for inspection by all persons desiring to inspect the same. A duplicate record of all inspections shall be sent to the board at such times and under such rules and regulations as the board may adopt. If on such inspection cattle shall be found not belonging to the shipper or to the driver, which he is not authorized in writing to ship or drive, all such cattle shall be taken by the inspector and dealt with in accordance with the rules of the board in such cases made.

2997. (Sec. 23.) 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, conditioned upon the faithful performance of the duties of his office.

Inspector must qualify.

2998. (Sec. 24.) Any inspector who shall knowingly give or make a false certificate, or shall, without good cause, refuse to give a certificate of inspection, or

Inspector failing to perform duties.

shall accept any bribe for failure to perform any of the duties prescribed by law, or who shall give a certificate of inspection before receiving his fees for such inspection, or wilfully delay in making inspection when notified, shall be liable with his sureties on his official bond to the injured parties for all damages arising therefrom.

Inspector must make prompt inspections when possible.

2999. (Sec. 25.) Every inspector must inspect all live stock subject to inspection immediately, except when such inspector is engaged elsewhere in a like duty, upon being advised or informed that the same are subject to inspection, and when inspected the one in charge thereof shall at once pay to the inspector therefor five cents per head for horses and neat cattle; two cents per head for hogs; whereupon the inspector shall certify in writing to the owner or person in charge, on form furnished by the board, that said stock has been inspected according to law for marks and brands.

Persons must drive any stock not their own.

3000. (Sec. 26.) Any person, not being the owner, or having the right of possession of any animal or animals, who shall be found driving any such animal or animals off its or their usual range, without the consent of the owner or owners thereof, shall be deemed guilty of larceny, and shall be arrested by the inspector, or by any constable, officer or other person specially deputized for that purpose by a judge or justice of the peace, and such person or persons shall be taken before a magistrate for examination.

Common carriers must not transport stock until inspected.

3001. (Sec. 27.) It shall be unlawful for any common carrier to receive any live stock for transportation until the same shall have been inspected as required herein, and until such common carrier shall have been furnished with a certificate by a duly authorized inspector, showing that the brands and earmarks on such live stock have been duly inspected as required by law. Any common carrier, or any officer, agent or servant thereof, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred

dollars and not more than five thousand dollars, in the discretion of the court.

3002. (Sec. 28.) Any person violating any of the provisions hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalty for violation.

3003. (Sec. 29.) No person shall, between the first day of February and the first day of December of any year, drive or cause to be driven into or through any county or part thereof in this Territory, or turn loose or cause to be turned upon, or kept upon any highway, range, common or enclosed pasture within this Territory, any cattle capable of communicating, or liable to impart what is known as Texas, splenic or Spanish fever. Any person violating any provision of this section shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall, for each offense, be fined not less than one hundred dollars and not more than two thousand dollars, or be imprisoned in the county jail not less than thirty days and not more than one year, or by both such fine and imprisonment.

Texas fever.  
Persons must not drive cattle infected with.  
Penalty for.

3004. (Sec. 30.) No officer, agent, employce, servant, or other person connected with or employed in the business or operation of any railroad, common carrier or other transportation company or association, shall ship, or cause or permit to be shipped, or transport or cause or permit to be transported by means of the transportation afforded by such common carrier, railway or other transportation corporation, company or association, or deliver to any consignee or other person between the first day of February and the first day of December of any year, within this Territory, any cattle capable of communicating, or liable to impart what is known as Texas, Splenic or Spanish fever. Any person connected with or employed in the business or operation of any railway, common carrier or other transportation company, corporation or association, violating any of the provisions of this section, shall, upon conviction thereof,

Railroads violating this act.

Cattle not unloaded not included.

Duty of officers to quarantine suspected cattle.

Owners must pay the cost of quarantine.

be judged guilty of a misdemeanor and shall, for each offense, be fined not less than five hundred dollars, nor more than two thousand dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment: Provided, That cattle in transit in cars through this Territory on any railroad, and not unloaded, are not liable to the penalties attached to this section.

3005. (Sec. 31.) It shall be the duty of any sheriff, undersheriff, deputy sheriff or live stock inspector within this Territory, upon a complaint made to him by any citizen of the Territory, or otherwise having notice or knowledge that there are within the county where such officer resides, cattle believed to be capable of communicating or liable to impart the disease known as Texas, Splenetic or Spanish fever, to forthwith take charge of and restrain such cattle under such temporary quarantine regulations as will prevent the communication of such disease, and make immediate report thereof to the said board, and such officer shall keep such cattle in custody as aforesaid until released by order of said board, and no officer who shall take or detain any cattle under the provisions of this statute shall be liable to the owner of such cattle for any damage by reason of such detention or taking, or by reason of the performance of any other duty enjoined by this section.

3006. (Sec. 32.) Whenever said board shall determine that certain cattle within the Territory are capable or liable to impart Texas, Splenetic or Spanish fever, they shall issue any order to the sheriff or any constable or live stock inspector of the county in which such cattle are found, commanding him to take and keep such cattle in his custody, subject to such quarantine regulations as they may prescribe until the first of December next ensuing, on which date they shall direct such officer to deliver such cattle to their owners or agents: Provided, however, That before any cattle so held shall be delivered as aforesaid, there shall be paid to said board all the costs and expenses of taking, detaining and holding said cattle, and in case such costs

and expenses are not paid within ten days after the first day of December, the said officer shall advertise, in the same manner as is by law provided in cases of sales of personal property, that he will sell such cattle or such portion thereof as may be necessary to pay such costs and expenses of the sale, and at the time and place so advertised, he shall proceed to sell as many of said cattle as shall be necessary to pay off said costs and expenses, and expenses of the sale, and forthwith shall pay over to the owner of said cattle, or his legal representative any amount so received in excess of the legal fees and expenses of such officer. Any officer performing any of the duties enjoined in this section, or in the next, shall receive the same compensation therefor as is prescribed by laws for similar services, to be paid as other expenses of said board are paid by law.

Compensation  
of quarantine  
officers.

3007. (Sec. 33.) Any person such as is specified in section 29 of this title, or any officer, agent, employee, servant or other person as is specified in section 30 of this title, violating any of the provisions hereof, shall be liable to any party injured, through such violation for any damage that may thereby arise, from the communication of Texas, Splenetic or Spanish fever, to be recovered in a civil action, and the party so injured shall have a lien for his damages on the cattle so communicating the disease, such lien to be enforced in like manner as other liens are enforced.

Persons dam-  
aged have re-  
dress against  
any violator of  
this title.

3008. (Sec. 34.) Any person or persons, firm or corporation, engaged in the slaughter of live stock for sale in this Territory, shall slaughter all such animals in a fixed and definite slaughterhouse or slaughterpen, to be kept by such person or persons for that purpose; and before such person, persons, firm or corporation shall begin, enter upon or carry on the business of slaughtering any neat or horned cattle, swine, sheep or goats for sale or for the sale of meat, or selling or exposing for sale the meat of such animals in the Territory of Arizona, such person, persons, firm or corporation, shall first procure from the live stock sanitary board a license to operate such slaughtering business, and to

General provis-  
ions with refer-  
ence to  
butchers.

sell or expose for sale such meat, under the conditions and upon the payment of the fees herein provided, and after procuring such license, and before engaging in such business such person or persons shall execute upon a blank form furnished by the board, a bond, with two or more good and sufficient sureties, to the Territory of Arizona, in the penal sum of one thousand (\$1,000) dollars, to be approved by the chairman of the board of supervisors of the county in which such business is to be carried on, conditioned that such person, persons, firm or corporation shall not slaughter or expose for sale any neat animal or the meat thereof, without first being the legal and equitable owner thereof as well in law as in fact, and that in case such person, persons, firm or corporation shall slaughter or sell, or expose for sale, any neat animal or the meat thereof as aforesaid, shall pay therefor double the value of any such animal, the same to be recovered by action on said bond in the name of the true owner of such animal; the amount so recovered shall be paid as follows: One-half to the owner of such animal, one-fourth to the inspector or person discovering the wrongful possession or slaughtering of such animal, and the remaining one-fourth to the license and inspection fund hereinafter provided for; and on the compliance with all the provisions of this title applying to butchers.

Butcher license.

3009. (Sec. 35.) The live stock sanitary board shall grant to each and every applicant therefor upon the payment of the fees herein provided, a license to slaughter horned and neat cattle, swine, sheep and goats as may be set forth in such application for the term of one year from the date 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 the sum of one hundred and fifty dollars 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 thou-

sand inhabitants, the applicant shall pay one hundred and twenty dollars for such slaughtering 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 less than three thousand inhabitants, the applicant shall pay ninety dollars for such slaughtering license; and in all other cases thirty dollars for such slaughtering license.

3010. (Sec. 36.) Each and every license issued under this title shall be for one specific place of business, and the location of the place of business for which it is issued shall be stated therein.

One place of  
business.

3011. (Sec. 37.) 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 for which such license is issued, slaughter any neat 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 any such slaughtering place he shall apply to the said board to have such license transferred to cover such change. And said board shall reissue such license on application therefor without any additional charge, for the unexpired term of such license: Provided, That any person, firm or corporation, who shall kill more than two head of horned or neat cattle for sale or for the sale of meat, in any one month, or who shall kill more than six head of hogs, sheep or goats for sale or for the sale of meat in any one month, shall be considered butchers within the meaning of this title.

Written appli-  
cation for  
license required  
in certain form.

3012. (Sec. 38.) In the trial of any person charged with a violation of any of the provisions hereof, and in the trial of any civil action to recover damages for the communication of Texas, Splenetic or Spanish fever, proof that the cattle which such person charged with driving or keeping in violation of law, or which are claimed to have communicated the said disease were brought into this Territory between the first of Febru-

Specifications  
as to Texas  
fever.

ary and the first of December of each year in which the offense was committed or such cause of action arose, from territory within the area of which the United States department of agriculture from time to time has given notice that a contagious and infectious disease known as splenetic or southern fever exists among cattle, shall be taken as prima facie evidence that such cattle were capable of communicating or liable to impart Texas, Splenetic or Spanish fever, within the meaning of this title, and that the owner or person in charge of such cattle has full knowledge and notice thereof at the time of the commission of the alleged offense: Provided, That the provisions hereof shall apply to the State of California during the whole year, and shall not apply to any cattle shipped or driven from Sonora, Mexico.

Two or more persons jointly liable.

3013. (Sec. 39.) Whenever two or more persons shall, in violation of this title, at the same time, or at different times during the year, drive or cause to be driven upon any highway, range, common or pasture within this Territory, any cattle capable of communicating or liable to impart said fever, they shall be jointly and severally liable for all damage that may arise from the communication of such disease at any time thereafter during the same year, to any domestic, native or acclimated cattle, that have been on the same highway, range, common or pasture, so previously traveled over by such mentioned cattle.

Evidence in cases of stealing cattle.

3014. (Sec. 40.) In the trial of any criminal suit in which the accused is charged with stealing any neat animal or animals, evidence that the accused has stolen other neat animal shall be heard if offered, provided the other offenses so follow each other, when taken in connection with the facts and circumstances pertinent to each case, as to show a purpose of engaging in and continuing the work of stealing neat cattle.

Stock inspectors appointed on petition.

3015. (Sec. 41.) The said board, on petition therefor, signed by at least twenty-five persons, each of whom are engaged in the business of owning and breeding live stock in this Territory, shall have power to and

shall appoint live stock inspectors to reside in or near each city, town or village, or at any point where live stock is slaughtered in this Territory, who shall hold office at the will and pleasure of the board. No person or persons engaged or employed in the butchering business shall be eligible to hold the office of inspector.

3016. (Sec. 42.) It shall be the duty of any person, persons, firm or corporation, carrying on the business of slaughtering said animals, to notify the nearest inspector appointed under this title, of the location of his or their slaughterhouse or slaughterpen, and of the time or times when such person or persons propose to slaughter any such animals, and no animal shall be slaughtered by any person until it shall have been first inspected and certified to as being the property of the one slaughtering it or causing it to be slaughtered, or that such person is authorized to slaughter. The board shall prepare these certificates in blank; and a copy of each certificate given shall be kept in a book by the inspector, which book shall at all times be open to inspection and examination of all persons wishing to inspect or examine it. Upon said animals so inspected and certified to being butchered, then the inspector shall inspect the hide, and if he shall find it to be the hide of the animal so inspected and certified to, then he shall tag the same on the left side of the neck with a tag seal to be furnished him by the board. For each animal and hide so inspected the butcher shall pay the inspector five cents, at the time the hide is inspected and before it is tagged, which shall be full payment for inspecting the live animal and inspecting and tagging the hide.

Butchers must notify inspector of location of slaughter pen.

Inspection fee.

3017. (Sec. 43.) A duplicate record of all inspections shall be sent to the board, and triplicate given to the butcher at such times and under such rules and regulations as the board may adopt. Any person, persons, firm or corporation selling, removing or secreting any hide or hides, or detaching, obliterating or defacing from or upon the hide any mark or brand before they are inspected and tagged, shall be guilty of a misde-

Duplicate record of inspections.

Any person wishing to sell meat must have hide inspected.

meanor, and shall be punished as hereinafter provided.

3018. (Sec. 44.) Any ranchman, trader or any other person not regularly engaged in carrying on the business of slaughtering neat cattle at some known and established slaughter place within four miles of some city, town or village within the limits of this Territory, who shall slaughter any neat or horned cattle for sale or for food, on their ranches or elsewhere, shall before offering the meat for sale in any city, town or village, within the limits of this Territory, take the hide thereof to a regularly appointed inspector and shall have it inspected and tagged, immediately paying therefor five cents for each hide inspected and tagged; all persons not engaged as butchers who shall at any time kill or slaughter or cause to be killed or slaughtered, any cattle, either for his or their own use and consumption, or for sale, shall retain or cause to be retained in his or their possession, the hides taken off such animal or animals with the ear marks attached thereto without any alteration or disfiguration of the brands or marks on said hide or ears, for the period of twenty-one days free to the inspection of all persons, and before shipping the same shall cause it to be inspected and tagged. And any person failing to keep the hides in the manner and for the time above mentioned, or shall refuse to any person the inspection of such hide or hides shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding two hundred dollars: Provided, That any one may immediately sell or otherwise dispose of the hide of any animal as soon as it is duly inspected and tagged by an authorized inspector.

"License inspection fund."  
How created  
and how paid  
out.

3019. (Sec. 45.) All moneys received by the board for the licenses provided for in this title 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 such fund 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 the secretary, for the payment of slaughter house inspectors: Provided, That no slaughter house

inspector shall receive less than fifty per cent or more than ninety per cent per annum of all such license fees paid from or within his district, such payments to be made quarterly, and any and all balance remaining in each fund after paying such warrants, shall, at the end of each fiscal year, be turned over to the general fund of the Territory, on demand of said board.

3020. (Sec. 46.) It shall be unlawful for any trader or other person to purchase or otherwise acquire possession of any hide of horned or neat cattle until the same shall have been inspected and tagged as required by the provisions of this title, and the possession of such untagged hide shall be considered prima facie evidence of the commission of a misdemeanor, unless the person possessing such hide can show that the same was taken from an animal owned by him at the time of slaughter, or death, or that he had written authority from the owner to remove the hide from such animal.

Trader must not purchase uninspected hides.

3021. (Sec. 47.) Any person who shall set up or carry on the business of butchering or slaughtering of horned cattle or swine in this Territory, shall keep a true and faithful record, in a book to be kept for that purpose, of all live stock purchased or slaughtered by him, with a description of all animals so purchased or slaughtered, including all the marks and brands of such animals, the name and residence of the person from whom purchased and the date of such purchase; and shall at the end of each month make a true and correct copy of such record so required to be kept by this section, under oath, and deliver the same to the inspector of his district. Any such person, persons, firm or corporation who fails to keep such record, or who fails or neglects to deliver a true copy of the record mentioned in this section, or who refuses to exhibit, to any person demanding it, the said record, is guilty of a misdemeanor, and shall be fined a sum not less than fifty dollars nor more than one hundred dollars for every day he shall have failed to comply with this section.

Butchers must keep record of all cattle handled.

Penalty for failing to keep record.

3022. (Sec. 48.) It shall be unlawful for any person or common carrier to receive for transportation any

Common carrier must not receive hides unless inspected and tagged.

hides until the same shall have been inspected and tagged as provided in this title. Any person, common carrier or officer, agent or servant of a common carrier who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), in the discretion of the court.

Marks and brands.

3023. (Sec. 49.) Every person, firm, company or corporation owning range horses, mules, asses or neat cattle in this Territory shall have a mark or brand for them by which they shall be marked and branded; and every person owning range sheep or goats in this Territory shall have an ear mark for them different from his neighbor's and as near as practicable different from any other ear mark in the Territory, by which they shall be ear marked, and the same may be identified, and shall be prima facie evidence of ownership, but only from and after the time herein provided; and when such mark and brand or ear mark shall have been so recorded, it shall be the personal property of the person causing it to be recorded and may be sold and encumbered the same as other property, except that no range animal can be sold except by bill of sale duly made, signed and acknowledged as deeds conveying real estate are acknowledged: Provided, That any ear marks or brands for sheep or goats which have heretofore been recorded in the office of the live stock sanitary board, together with the record thereof, are hereby legalized and validated.

Record of marks and brands.

3024. (Sec. 50.) Said board shall record all such marks and brands as may be adopted by the owners of range animals in a book by it kept for that purpose: Provided, That the mark or brand so adopted has not theretofore been adopted and recorded by some other person; and: Provided further, That the mark and brand so adopted shall not conflict with the mark or brand of some other person owning range animals running in the brand and who has a prior right thereto.

3025. (Sec. 51.) All marks and brands not now

recorded in the brand book of said board may be so recorded on the persons owning the same and having the right thereto sending to said board a fac-simile copy thereof, proof that he is or they are the true and sole owners thereof and that he is then the owner of range animals running in said brand and enclosing therewith one dollar wherewith to pay for recording the same and one dollar for a certificate thereof, if recorded, and if not recorded, then the amount paid for the certificate shall at once be returned.

Fees for recording.

3026. (Sec. 52.) So soon as such brand and mark shall have been considered and passed by the board for record, then the board shall issue its certificate thereof, wherein shall be shown the name of the owner thereof, his postoffice address, the place where his animals range, the date of the record thereof, and a fac-simile of such brand and mark, to be signed by the chairman of the board, attested by its secretary with the seal of the board affixed; and such certificate shall be prima facie evidence in all the courts of this Territory of the matters therein contained.

Certificate of record.

3027. (Sec. 53.) The board shall deliver to each inspector and to each county recorder's office in this Territory a true printed copy of the brand book and of all supplements thereof. Each of these shall be certified to by the chairman of the board, attested to by the secretary and its seal affixed. The certificate shall state that it is a true, full and correct copy of the brand book and contains a fac-simile of each and every mark and brand recorded, with its owner's name, his postoffice address and his range opposite the mark and brand. Said printed copy of said brand book and of all supplements thereto that are so certified to shall be, in all the courts in this Territory, prima facie evidence of the truth of the matters therein contained; and the board may, in its discretion, deliver to any person engaged in the business of breeding range cattle, certified copies of the brand book and of all the supplements thereto, on the payment to the board of such fair and reasonable price as to the board may seem just; and such books,

Brand book to be furnished to inspector and county recorders.

when so certified and delivered, shall be received in evidence with like effect as to those delivered to inspectors and county recorders.

Ownership, how  
may be proven.

3028. (Sec. 54.) The ownership of animals may be shown by the mark or brand on the animal, if marked or branded by proof of the ownership of the mother of the animal sought to be identified and ownership of which is sought to be established, and by any person or persons who may know the animal and its owner independent of any mark, brand or its paternity.

Rights of prosecution.

3029. (Sec. 55.) In the trial of any person charged with the violation of any of the stock laws of this Territory, the prosecution shall have the right to prove, as tending to show conversion by the accused, that the animal or animals in question were branded into a brand or were marked into a mark claimed by the accused to be his brand or mark, although such brand or mark is neither of them recorded and in all cases where any live stock, the property of a resident of a foreign country, are alleged to have been stolen and are held in this Territory, which live stock so alleged to have been stolen have either strayed or have been driven from a foreign country into this Territory, the ownership thereof may be shown by the marks or brands thereon although such marks or brands shall not have been recorded, and in every such case the question whether any such live stock were stolen in a foreign country and were driven into this territory or strayed into this Territory and were then stolen in this Territory, shall be immaterial, in all cases where the allegation of the indictment is that they were stolen in the county where the indictment is found.

Words defined.

3030. (Sec. 56.) In all pleadings, whether civil or criminal, the word neat animal shall be held to include all kinds, ages and sexes of the bovine species; the word horse shall be held to include all kinds, ages and sexes of the horse species, and the word mule, all ages, kind and sexes of the mule kind.

3031. (Sec. 57.) Upon the sale, alienation or transfer of any horses, mules, asses or neat cattle by any

person in this Territory, the actual delivery of such animals shall be accompanied by a written bill of sale from the vendor or the party selling to the party purchasing, giving the number, kind, marks and brand of each animal sold and delivered, which bill of sale shall be signed by the party giving the same, and shall be acknowledged by him as his act and deed, before some officer authorized under the laws of the Territory to take acknowledgment of deed of conveyance; and upon the trial of any person charged with the theft, unlawful possession, handling, driving or killing of any such animal as is mentioned in this section, under any law of this Territory, the possession of such animal by the accused, under any law of this Territory, without his having a duly written and acknowledged bill of sale therefor, such as is required by the provisions of this section, shall be prima facie evidence against the accused that such possession was illegal and no officer acknowledging any bill of sale or other written instrument required to be acknowledged under the provisions hereof shall be authorized to exact or receive a larger fee than twenty-five cents for acknowledging, certifying to and affixing his seal to such instrument.

Sale of animals accompanied by bill of sale.

3032. (Sec. 58.) Upon the demand of the purchaser, every person who sells horses, mules, asses or neat cattle, must vent or counter-brand such animals, and said vent or counter-brand must be upon the same side of the animal as the original brand. A legal vent shall be a stamp iron, and before used it must first be recorded with the county recorder of the county where the cattle are ranged: Provided, That animals sold to be slaughtered or shipped out of the Territory need not be vented.

Vent or counter-brand.

3033. (Sec. 59.) Whenever any live stock branded with any brand not duly recorded as required by the provisions of this title shall be found at large upon any range in this Territory, the same shall be reported to the said board by any duly authorized inspector and detective therefor, and shall be considered as unclaimed live stock and shall be disposed of as now provided by

Brands not recorded.

law for the disposition of unclaimed live stock.

To authorize another to handle one's live stock.

3034. (Sec. 60.) Any person, company or corporation owning a recorded mark or brand and being the owner or owners of animals of the horse, mule, ass or neat cattle kind, branded with such recorded brand, or who shall be the lawful owner of such animals having other brands, who may wish to authorize any other person or persons to gather, drive or otherwise handle any of said animals by their mark and brand, shall furnish to such person or persons an authority in writing containing the list of the marks and brands authorized to be handled, and authorizing the person or persons therein named to gather, drive or otherwise handle the stock therein described, and the possession of such written authority shall be deemed sufficient to authorize the person or persons therein named to gather, drive or otherwise handle any of such animals in the marks and brands set forth and described in the said written authority: Provided, That if any person, firm, company or corporation, in giving any such written authority as is provided in this section, shall insert therein any mark or brand of which said person, firm, company or corporation is not the lawful owner, and any animal having any such mark or brand shall be unlawfully taken, gathered, driven or otherwise unlawfully handled by the person or persons having such written authority and by virtue thereof, then the person, firm, company or corporation giving such written authority shall be deemed principals to the unlawful taking, gathering, driving or handling of such animal or animals.

Conveyance to be recorded.

3035. (Sec. 61.) The owner or owners of horses, mules, asses or neat cattle running at large upon any range in this Territory may dispose of such animals by range delivery while on the range and ungathered, by the sale and delivery of the marks and brands of such animals; but in every such case the purchaser, in order to acquire title to such animals, must have his conveyance or written transfer of such animals, described by marks and brands, duly acknowledged by the vendor and

then recorded in the office of the county recorder of the county in which such animals range, in a book kept for such purpose, and such sale or transfer shall be noted on the record of original marks and brands in the office of said board.

3036. (Sec. 62.) Any person who shall mark or brand any unmarked or unbranded horse, mule, ass or neat cattle found running at large upon any range in this Territory with a mark or brand that has not been recorded under the provisions of this title, or who, for the purpose of branding horses or cattle, uses as a brand a sash, frying pan or any device whatsoever which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringement upon any recorded brand, or who, shall use a like brand in the same position or place recorded by another, shall be deemed guilty of larceny of said animal.

Persons using unrecorded brands deemed guilty of larceny.

3037. (Sec. 63.) Hereafter it shall be unlawful for any person to take up from any range, ranch, farm, corral, yard or stable, any horse, mule or other animal and use the same without the consent of the owner of any such animal, or of the person having the same in charge.

Consent of owner to use animals.

3038. (Sec. 64.) Live stock so branded shall be listed for assessment, and taxes assessed against the same shall be collected in the same manner as is provided for the assessment and collection of taxes upon real estate; and such assessment shall constitute a lien for taxes on all the stock in that brand: Provided, That if the owner of any brand shall sell any number of cattle less than the entire under any brand before the taxes are due, such owner shall be permitted to pay taxes on the number sold proportioned to the number assessed in any such brand, and the amount shall be credited on the amount due under the assessment against any such brand.

Assessment and collection of taxes on illegally branded cattle.

3039. (Sec. 65.) In all cases where the live stock of any person is injured or killed by locomotive or cars on any portion of the line of any railroad company

Live stock killed by locomotives.

within this Territory, unfenced by good and sufficient fence, or other barriers sufficient to turn live stock, by the company or corporation running such locomotive or cars, shall be liable in damages therefor to the owner of such live stock, to be recovered in any court of competent jurisdiction within this Territory, unless it be shown on the trial of any action instituted for the recovery of such damages, that the owners of such live stock, his agent or servants, immediately contributed to such killing or injury; the mere straying of live stock upon unfenced portions of such railroad shall not be held upon the trial of causes brought under this title to be any evidence of contributory negligence on the part of the owner of such live stock, nor shall the grazing of the same unattended by a herder be so considered.

Railroads liable for domestic animals killed or injured.

3040. (Sec. 66.) Every railroad corporation or company operating any railroad or branch thereof, within the limits of this Territory, which negligently injures or kills any horse, mare, gelding, filly, jack, jennie or mule, or any cow, heifer, bull, ox, steer or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

Owners driving their stock upon railroads to be killed.

3041. (Sec. 67.) If the owner or owners, or his or their duly authorized agent or agents, of any animal or animals heretofore mentioned shall drive the same upon the track of any such corporation, association, company, person or persons, with the intent to thereby injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished as provided in the penal code for felony.

Section foreman to keep list of stock injured.

3042. (Sec. 68.) Hereafter it shall be the duty of all railroads in this Territory to require all section foremen while in their employ and service as such, to keep

at the section house a specific record upon forms furnished by said board, of all stock killed or crippled upon their respective sections of such railroad, giving age, color, sex, marks and brands of all such stock so killed or crippled, which record shall be open and free for inspection by the public at all reasonable times.

3043. (Sec. 69.) Any railroad corporation or lessee, person, company or corporation, operating any railroad in this Territory which may hereafter fence their right-of-way, shall make crossings through their fence and over their road-bed along their right-of-way, at least every five miles thereof, or as near thereat as may be practicable.

Railroads under fence. Crossing to be made.

3044. (Sec. 70.) Such opening shall not be less than sixty feet in width. The said railroad company or lessee, person, corporation or company operating any railroad shall place cattle guards and wing fences on either side of the said openings, sufficient to prevent any cattle entering upon the said right-of-way so enclosed.

Size of opening in crossing.

3045. (Sec. 71.) Such railroad company, lessee, person or corporation operating any railroad, shall leave unfenced and places wherein the said railroad run over any trestles or bridges that are sufficiently high for cattle to go under the same.

Places to be left unfenced.

3046. (Sec. 72.) Any railroad company, lessee, person or corporation operating any railroad in this Territory violating any of the provisions of the seven preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall in any court of competent jurisdiction, be fined in a sum of not less than one hundred dollars and not more than three hundred dollars.

Penalty for violations.

3047. (Sec. 73.) All inspections of live stock made by inspectors shall be made in daylight, and the inspection of horses, mules, asses and cattle shall be made, when pens will admit, by driving such animals into a pen or corral, in bunches of not more than five, and held in such pen or corral until the inspector shall personally see and inspect each and every mark and brand,

Inspection must be made in daylight.

and mark the same on his record or tally, and when he has so inspected and tallied such cattle and is satisfied as to the same, he shall order them driven out and another bunch driven in such pen or corral in like manner, and so on until the entire herd is inspected, but if there are no pens convenient to the animals to be inspected, then it shall be done in such way as the inspector shall direct.

Inspector must perform duty.

3048. (Sec. 74.) Any inspector who shall inspect cattle in any other manner than that prescribed, or any owner, employee or other person who shall oppose, obstruct, hinder or attempt to obstruct or hinder by act or suggestion, such inspection as prescribed, shall be guilty of a misdemeanor, and fined not less than fifty dollars and not more than three hundred dollars, or imprisonment in the county jail not more than ninety days.

General penalty

3049. (Sec. 75.) Any person violating any of the provisions of this title, the penalty of which is not otherwise specially provided for, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than three hundred dollars, or be imprisoned in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment, in the discretion of the court, but nothing in this title 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.

Prosecuting attorney.

3050. (Sec. 76.) It shall be the duty of the prosecuting attorney of the proper county to prosecute on behalf of the Territory all criminal cases arising under this title.

Attorney general must give counsel.

3051. (Sec. 77.) It shall be the duty of the attorney general at all times to advise with said board whenever called on; to give opinions in writing in response to requests by the said board, its agents or employees.

(Took effect September 1, 1901.)

## SANITARY PROTECTION OF SHEEP.

3052. (Section 1.) The board of supervisors of any county in this Territory upon the presentation of a petition signed by not less than fifteen residents of such county, each of whom shall be the owner of not less than two thousand sheep in such county, engaged in the business of sheep breeding and wool growing in this Territory, shall appoint an inspector of sheep for such county, who shall hold his office for the term of two years and until his successor is appointed and qualified, unless sooner removed by such board of supervisors, and shall receive from such county such salary as may be agreed upon by the board of supervisors, not to exceed one hundred dollars per month.

Sheep inspector provided for.

Salary of.

Such inspector of sheep shall be a resident of the county for which he is appointed, and shall be a practical sheep man. Before entering upon the discharge of his duties he shall execute a bond, payable to the Territory of Arizona in the sum of one thousand (\$1,000.00) dollars with at least two good and sufficient sureties, to be approved by the board of supervisors, conditioned for the faithful discharge of the duties of his office. Such inspector may appoint one or more deputies, within his county, for whose official acts he and his official bond shall be responsible. It shall be the duty of such inspector at any time, upon the written information of any citizen of his county, having in charge or owning sheep, that sheep in such county owned by or in charge of any other person, giving location thereof, and infected with scab, scabies or other contagious or infectious disease, or upon personal knowledge of such facts, to examine such sheep without delay, and if he shall find such sheep to be infected with any such diseases, he shall notify the owner or party in charge thereof, in writing, to doctor, dip or cure them forthwith by the use of some standard, curative medicine, and shall place such sheep in quarantine and direct and limit the range to be occupied and the route of travel of such sheep until dipped and

Qualifications of.

Duties of.

cured of such disease as directed by such inspector and if such owner or party in charge of such sheep shall fail, neglect or refuse to carry out the directions of such inspector, said inspector shall take such sheep into his possession at once and cure them or cause them to be cured. He may call to his assistance such aid as may be necessary for that purpose, and the owner or owners of such sheep shall be liable to said inspector for all necessary expenses, costs and charges incurred in curing such sheep, including a compensation of five (\$5.00) dollars per day to such inspector or his deputy for every day or part of a day in which he shall be necessarily employed, and ten cents per mile for each and every mile traveled to and from the place of quarantine or doctoring.

When herds are infected.

3053. (Sec. 2.) Whenever on examination of any herd or band of sheep within any county of this Territory, said inspector shall find such sheep or any part of them, infected by any of said diseases, he shall forthwith take all and every necessary measure and precaution to prevent such disease from spreading, and the owner or owners of such sheep shall immediately proceed to treat such sheep for the cure of such disease and any person who shall refuse or neglect to immediately observe the directions of such inspector, as provided in this section, or the preceding section of this act, shall be guilty of a misdemeanor, punished on conviction, by a fine of not less than one hundred (\$100.00) dollars, and not more than two hundred and fifty (\$250.00) dollars.

Inspector may prescribe dip.

3054. (Sec. 3.) The inspector in charge shall be empowered to prescribe the kind of dip to be used, its strength and all the conditions and details of the dipping, doctoring and curing of any diseased or infected sheep, and no diseased or infected band of sheep shall be released by such inspector until they are pronounced cured and clean: Provided, That whenever the decision of the inspector shall be denied or disputed by the owner or party in charge of the sheep, he shall be entitled to appeal to the territorial veterinarian, who

shall examine such sheep and whose decision shall be final as to such disease or infection.

Provided, That in all counties of this Territory where no inspector is appointed as above provided, the territorial veterinarian shall have and exercise all the powers of sheep inspector for such county or counties, and shall receive for himself and his deputy, the same fees provided for inspectors, in addition to his mileage as territorial veterinarian.

Veterinarian to be inspector, when.

3055. (Sec. 4.) All legal fees, charges and expenses of such inspector, under this act, shall be a first lien upon any such diseased or infected sheep, in whosoever possession they may be found, for thirty days after treatment, as herein provided, and in case the owner or owners, or party in charge representing such owner or owners, in their absence, shall fail or refuse to pay any legal charges, fees, mileage or expenses, upon the completion of such inspection or treatment as provided in this act, such inspector may recover such fees, charges and expenses from the owner or owners of such sheep by an action in any court of competent jurisdiction or he may seize and hold such sheep or any part thereof for such payment and if such fees, charges or expenses are not paid within ten days after such treatment is completed, then such inspector may sell at public or private sale, sufficient of such sheep to pay all legal fees, charges and expenses, including the expense of such seizure and holding, and five dollars per day for his time during such seizure and holding.

Fees to be a lien on sheep.

3056. (Sec. 5.) Any band or flock of sheep infected with scab or scabies shall be dipped as often as necessary, and until they are pronounced clean by the inspector; but no sheep shall be required to be dipped, at such season of the year, or during such inclement weather, or so short a time before or after lambing, or under any such conditions or circumstances that would endanger the health or lives of such sheep, but diseased or infected sheep which can not for any reason be dipped at once, must be held and run under the quarantine regulations of the inspector until such time as

When sheep must not be dipped.

they may be safely dipped, and any sheep so held and run shall be so restrained and quarantined as to incur the least practicable damage to the sheep, and expense of (or) hardship to the owner, and the fee of five dollars per day shall not in any case be charged by the inspector, so long as the owner or party in charge shall comply with all reasonable regulations of the inspector.

Inspector must  
perform duties.

3057. (Sec. 6.) It shall be the duty of each inspector appointed as aforesaid, to use diligence in ascertaining the existence of scab or scabies or other contagious or infectious disease among the sheep of his county, and to inspect from time to time all sheep within his county, and see that the spirit and intent of the law is enforced, and any inspector or deputy inspector who shall fail or neglect to faithfully perform the duties of such office shall be guilty of a misdemeanor and subject to a fine not to exceed one hundred dollars.

(Took effect May 1st, 1901.)