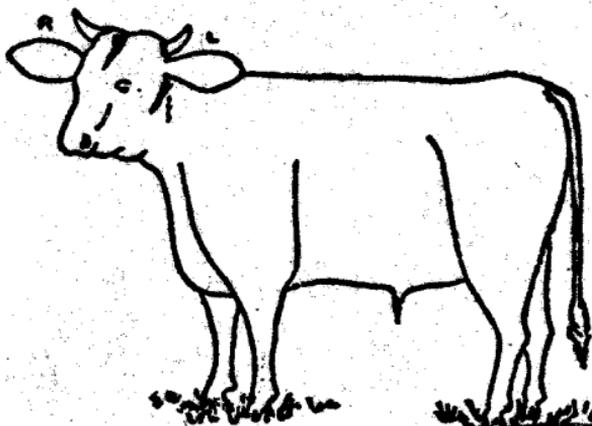


LIVE STOCK LAWS

OF THE
STATE of ARIZONA



CHAPTER 48, SESSION LAWS 1931, AS
AMENDED BY THE ELEVENTH STATE
LEGISLATURE, APPROVED
MARCH 17th, 1933



COMPILED BY
BEN R. CLARK
SECRETARY



ISSUED BY THE LIVE STOCK SANITARY BOARD
OF ARIZONA

JULY 1st, 1933



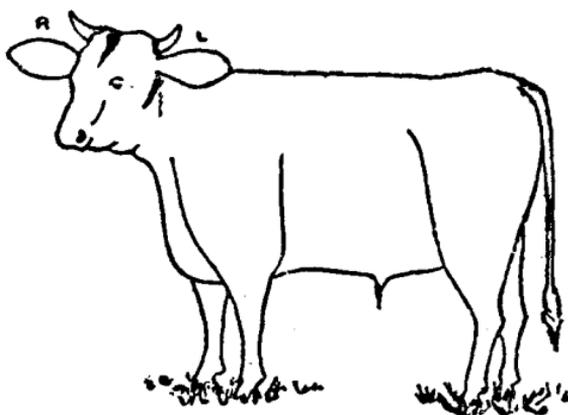
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CHAPTER 48

Live Stock

Article:

1. Live stock sanitary board and state veterinarian.
3. Eradication of tuberculosis.
4. Inspection and branding.
5. Sheep and goats.
6. Estrays and migratory live stock.
7. Damages to live stock by railroads.
8. Regulating the slaughter of animals.

Article 1.

Live Stock Sanitary Board and State Veterinarian.

§2076. Board Appointment; Bond; Compensation. Three qualified electors identified with and experienced in the live stock interests in the State shall be appointed by the Governor, with the advice and consent of the Senate, who shall constitute the Live Stock Sanitary Board. Each member shall execute bond to the State, in the sum of two thousand dollars, conditioned for the faithful performance of his duties and the term of office shall be three years. The Board shall elect one of their number chairman, keep a complete record of its proceedings and make such reports to the Governor as required by him, and a biennial report to the legislature. The members shall each receive ten dollars per day for the time necessarily employed in discharging their duties; provided, however, that in no one year shall the board be in session more than sixty days, except upon call of the governor; and members of the board shall receive the mileage allowance in attending such meetings.

§2077. General Duties of Board; Peace Officers Must Assist Board. The Board (a) shall exercise general supervision over the live stock interests of the state, protect the industry from theft and from contagious and infectious diseases, and the public from diseased and unwholesome meat products; (b) shall advise and recommend legislation fostering the livestock industry; (c) may appoint and fix the salary of a secretary, who shall file an oath of office and give bond payable to the state in the sum of two thousand dollars; (d) may employ such other clerical help as the board shall deem necessary; (e) shall appoint inspectors and deputies to further the objects specified in subdivision a, who shall be under the direction and control of the board; (f) shall keep a permanent record of its acts and of the acts and reports of its inspectors and detectives; (g) shall assist in the prosecution of persons charged with the violation of the live-stock laws; (h) may call upon any cattle inspector or peace officer to execute its orders, and such officer shall obey such orders; (i) may issue or revoke permits for the shipment of horses, mules, and asses which are being moved from time to time upon construction work within the state without brand inspection; (j) may waive the inspection of live stock before slaughter, and may grant permission to transfer or sell hides of neat animals,

horses, mules or asses without such hides being tagged or marked, provided, that such hides shall be inspected and the regular inspection fee paid thereon prior to such shipment or sale. By and with the advice of the state veterinarian the board shall have power: (1) To make and publish rules and regulations to control the importation of animals into this state; to establish quarantine, provide its boundaries and give notice thereof, and to do all things necessary to effect the object of such quarantine and to protect the live stock industry from contagious or infectious diseases and to prevent the spread thereof. (2) To make rules for the slaughter of animals affected with contagious or infectious diseases, and for the disposition of the carcasses of the animals so slaughtered, when such action appears necessary to prevent the spread of any contagion or infection among live stock. (3) To make rules and regulations governing the importation, manufacture, sale distribution or use within the state of serums, vaccines and other biologics intended for diagnostic or therapeutic uses with animals, and to regulate the importation, manufacture, or use of virulent blood or living virus of any diseases affecting animals. Every person violating any rule adopted and published by the live stock sanitary board regulating contagious or infectious diseases shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than fifty nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty nor more than one hundred eighty days, or by both such fine and imprisonment. (4) The board shall prescribe rules and regulations for the sale of live stock straying from its accustomed range. The board 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 subject to inspection by any person desiring to examine them, and the secretary of the board shall aid any person requesting any information obtainable from the inspection records. All moneys received by the board from the sale of strays shall be remitted every fifteen days to the state treasury, to be deposited in a special fund designated as the "stray fund," and shall be expended only for the payment of stray claims, as provided by the rules of the board; provided, that any such moneys remaining in the hands of the state treasurer unclaimed for a period of twelve months, shall be by him transferred to the general fund.

§2078. State Veterinarian; Bond and Salary. The Governor shall appoint, with the consent of the senate, a skilled veterinary surgeon, who shall be a graduate in good standing of a recognized school of veterinary surgery, shall hold his office at the pleasure of the board, and whose salary, to be fixed by the board, shall not be less than eighteen hundred dollars nor more than three thousand dollars per annum, and the mileage and travel-

ing expenses allowed public officers. He shall execute a bond to the state in the sum of five thousand dollars. (Sections 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089 and 2090 are repealed.)

Article 3. Eradication of Tuberculosis.

§2091. Board Empowered to Cooperate With U. S. Bureau in Eradication of Tuberculosis. The Live Stock Sanitary Board may cooperate with the bureau of animal industry of the United States department of agriculture for the eradication of tuberculosis among cattle in the state, and accept for the state the terms of co-operative agreements promulgated by such bureau, under authority of the provisions of the acts of congress relating thereto to effect said purpose. The board may appoint veterinary inspectors to act with and under the direction of the state veterinarian, as may be necessary to give full force and effect to the terms of such co-operative agreements.

§2092. Veterinarians Empowered to Inspect Animals and Destroy If Infected. The state veterinarian and any inspector appointed hereunder may enter any place where an animal may be and take custody thereof for the purpose of making an examination of such animal as to the presence of a contagious disease including tuberculosis, and retain such custody for the purpose of applying the tuberculin test thereto. If the animal reacts to such test, the inspecting officer may at once condemn said animal, and order that it be killed.

§2093. Agreement As to Value of Animal to Be Killed; Memorandum Thereof. When an animal in which tuberculosis is found is ordered killed, the inspector and the owner shall attempt to agree upon the value of such animal within the limit of value prescribed in this article. Upon such agreement being made, the inspector shall make a memorandum showing the date of the order of killing, describing the place where the animal was taken and from whom, describing the animal, and insert therein the value agreed upon. The memoranda shall be signed by the owner and the inspecting officer, one to be delivered to the owner, one returned by the inspector to the office of the board, one to the bureau of animal industry, and one for record. If such agreement is not made, the inspector shall fix the value of such animal, and execute a like memorandum thereof, except that it shall recite the fact that the owner refused to agree as to value, or refused to join in the execution of the memoranda.

§2094. Fixing Salvage Value Where Not Agreed On. If the inspector and owner cannot immediately agree as to any salvage value from the carcass of such animal, it shall be taken by the owner to the nearest slaughter house where federal inspection is maintained, there slaughtered and the carcass disposed of under such federal inspection, and the amount received from a sale so

made shall be deemed the salvage value of such animal. The inspecting officer shall continue the custody of each animal ordered killed until killed and the carcass sold or otherwise disposed of. Any person interfering with any veterinary inspecting officer acting under the provisions of this article shall be guilty of interfering with officers in the discharge of their official duties.

§2095. State to Refund One-Third Value of Animal After Deducting Salvage; Value Limits. After the salvage value has been received from a disposition of the carcass, the amount so received shall be paid to the owner of the animal and deducted from the appraised value of the animal, and the owner shall have a claim against the state for one-third of the balance of the appraised value, subject to the limitations herein. Such claims shall be presented to the board accompanied by the memoranda of appraisal and report showing the salvage sale and the amount received from such sale and shall be verified by the claimant and paid as other claims against the state are paid. No claim shall be allowed in excess of fifty dollars for a pure-bred animal nor twenty-five dollars for a grade stock animal. The presentation and allowance of such claims against the state shall not deprive the claimant of any rights to present claims for the same animals to the United States.

§2096. Person in Possession of Animal Presumed to Be Owner; Settling Dispute as to Ownership. For the purpose hereof, the person in whose actual possession or control an animal is first found by a veterinary inspector, shall be deemed the owner thereof, and shall be dealt with as such owner, until the contrary appears. If a dispute arises as to ownership the veterinary inspector shall nevertheless proceed hereunder, condemn any animal reacting to the tuberculin test, appraise such animal, have same inspected and sold for salvage, and report his acts to the board, with a remittance of amounts received as salvage. Claimants may present their rights to the board within thirty days after the animal is first taken. The board shall hold the salvage money, and all claims for compensation, where the report shows a conflict as to ownership of an animal, until thirty days have elapsed, and thereafter until such board can satisfy itself as to the rightful claimant, or until the rightful claimant is determined in court. The board shall not be liable for any distribution of salvage or compensation by it made after the thirty days have elapsed, nor shall any claim accrue against the state on account of any action taken by the board in the distribution of such funds.

§2097. Construction of Article. The powers conferred by this article are to be so construed as to permit the condemnation and killing of such animals as are, in the opinion of the inspector, infected with tuberculosis.

§2098. Breeding Stock Brought Into State; Sequestration; Inspection; Destruction; Violations; Penalty. All dairy cattle and all grades of hogs and cattle classified

and known as breeding stock, exclusive of range cattle, transported into the state shall be kept by the owner thereof, or the person having the control and charge thereof, sequestered and separated from other cattle and live stock for a period of sixty days from the date of their arrival in the state. At the expiration of sixty days said stock shall be inspected by direction of the state veterinarian and the tuberculin test applied, and if any of said stock are determined to be afflicted with tuberculosis, they shall be disposed of in all respects as prescribed in this article; except that no compensation shall be paid by the state for the condemnation, killing or disposition of any such animal. Any person having control or charge of such stock who shall refuse or neglect to keep same sequestered, as provided herein, shall be guilty of a misdemeanor.

Article 4. Inspection and Branding.

§2099. Live Stock Inspectors. The board may appoint live stock inspectors, and upon petition of not less than five cattlemen, each of whom shall be the owner of not less than fifty head of live stock in the state, shall appoint an inspector at any point where there is no regularly appointed and acting inspector. Each inspector so appointed shall take the oath of office and give bond to the state for the faithful performance of his duties in the sum of five hundred dollars. Such inspector may appoint deputies to enforce the live stock laws.

§2100. Powers and Duties of Inspectors. Inspectors shall have authority to authenticate bills of sale of live stock, brands and marks, give certificates of acknowledgment of the same under his hand and seal, and take acknowledgments to applications for brands and marks, and shall have the powers of peace officers. No inspector shall receive a fee of more than twenty-five cents for taking an acknowledgment. An inspector shall arrest any person who violates the live stock laws, and shall, upon reliable information that any person has violated any such law, make the necessary affidavits for the arrest and examination of such person, and shall, upon warrants issued therefor, immediately arrest such person, make due return of the warrant, and notify the live stock sanitary board.

§2101. Duties with respect to Unbranded Live Stock. No inspector shall grant any certificate of inspection of any unbranded hides or live stock, or of any hides or live stock upon which the marks and brands cannot be ascertained, or which shows the ownership to be in some person other than the one seeking the certificate of inspection, and he shall prevent the hides of live stock from being shipped or transported, and any live stock from being shipped, driven or transported unless they are identified by proof or by bill of sale signed by the owner of such hides or live stock.

§2102. Manner of Inspecting Live Stock; Record of Inspections. The inspectors shall inspect for health and

for marks and brands, at the railway loading station, at the place of exit from the state, and at all places where live stock are gathered to be sold, transported or driven off their range for any purpose whatsoever. Inspectors shall make inspections by daylight and shall require from the owner or person in charge a list of the brands and marks and determine by inspection of such live stock that the person in charge is the owner thereof or is authorized in writing by the owner 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 seller, the shipper, the kind and description of such live stock, together with the number of head in every brand and mark, and any other necessary information. If, upon such inspection, live stock be found not belonging to the shipper, or which the driver is not authorized in writing to sell, ship or drive, it shall be taken by the inspector and dealt with in accordance with the rules of and the instructions of the board. The inspector shall make a record of all inspections in triplicate, the original of which shall be sent to the board, a duplicate furnished the person having such inspection made and retain a duplicate for his own use.

§2103. Inspections of Live Stock; How Made. Inspections of live stock shall be made in such manner as to enable the inspector to personally see and inspect each and every mark and brand, and record same.

§2104. Inspection To Be Made Immediately; Fee; Certificate. An inspector, upon being advised or informed that any livestock is subject to inspection, shall inspect such livestock immediately. The person in charge of such live stock, shall, when the same has been inspected, pay to the inspector therefor fifteen cents per head for neat animals, horses, mules or asses. The inspector shall thereupon certify in writing to the owner or person in charge, on a form furnished by the Board, that such live stock has been inspected, according to law, for brands earmarks and health.

§2105. Unlawful to Receive Live Stock for Transportation Without Inspection. It shall be unlawful for any railroad to receive any neat animals, horses, mules or asses for transportation unless furnished with a certificate by an inspector showing that such stock has been inspected for brands and health. A violation of this section shall constitute a misdemeanor punishable by a fine of not less than twenty nor more than one hundred dollars for each and every such animal so transported without inspection. It shall be unlawful for any person, firm or corporation to transport or convey, by any conveyance other than by railroad, any neat animals, horses, mules or asses, without first having such live stock inspected, and having a duplicate certificate of inspection showing the number, kind and sex of such animals, with their brands and other description necessary to the identification of the same. Any inspector may stop any person who is in

possession of and is transporting any such animals and demand the duplicate certificate of inspection. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty nor more than three hundred dollars, or by confinement in the county jail not exceeding ninety days or by both such fine and imprisonment.

§2106. Range Stock to Be Branded; Seizure. It shall be unlawful for any owner of range live stock to permit such stock, excepting unweaned animals running with their mothers, to roam and feed upon the ranges in this state unless branded and marked as prescribed by law. Every inspector shall seize any live stock, except unweaned animals running with their mothers, wherever found, not branded according to law, the ownership of which such inspector or other person questions, or any live stock having brands so mutilated, indistinct, burnt or otherwise disfigured as to be difficult of ascertainment, or upon which there is a brand which is not recorded as required by law, or which is freshly branded and not found with its mother, or which has a brand or mark not the recorded brand or mark of the owner, and any animals which are known as "leppys," "orejanas," "sleepers," "dogies," or "mavericks."

§2107. Terms Defined. "Range live stock," when used in this chapter, is defined to be live stock customarily permitted to roam upon the ranges of this state, whether public domain or in private control, and not in the immediate actual possession or control of the owner though occasionally placed in enclosures for temporary purposes; "live stock" is defined to be neat animals, horses, mules and asses; "range" is defined as the lands outside of cities and towns, enclosed and unenclosed, of every character, upon which by custom, license, permit or otherwise live stock is permitted to roam and feed.

§2108. Inspector to Report Seizure. When an inspector has seized any live stock, as herein provided, he shall safely keep and care for the same until disposed of, and shall forthwith report such seizure to the clerk of the superior court of the county where the stock is seized, or to an available justice of the peace of such county having his office nearest the place of seizure, and such clerk or justice shall file such report and docket the same as an action by the state in its name and against the reputed owners of the live stock, if any are known, and if not known, against the unknown owners, and such clerk or justice of the peace shall thereupon issue a citation against the defendants and all persons claiming said live stock to appear and prove the ownership thereof, which said citation shall be returnable as in a civil action and heard as such. The report of the inspector herein provided for shall give a general description of the live stock seized and the brands, if any, together with the place of and the reason for the seizure, the probable value of such live stock, and ask that the owner be cited to appear and

prove ownership. In all such cases it shall be the duty of the county attorney of the county wherein the live stock is seized to represent the inspector and the interest of the state. The expense incurred hereunder shall be a charge against the state and shall be paid out of the "seizure fund" or any unexpended moneys appropriated for the live stock sanitary board.

§2109. Proceedings Before Justice; Citation to Appear. The clerk of the court or the justice of the peace shall file the report and enter a brief statement of the report on his docket and fix a time for the hearing of evidence of the ownership of the live stock, which time shall not be less than ten and not more than twenty days after the date of the filing of the report. He shall thereupon issue a citation directing all persons claiming said live stock, or any of them, to appear at the time fixed therefor and offer proof of ownership. Said citation shall be addressed to whom it may concern and set up the facts in the report and be delivered to and served by the inspector who made the seizure or by any constable or the sheriff of the county.

§2110. Service of Citation on Brand and Mark Owners; Default. If the live stock be branded and marked with the recorded brands or marks of any person, said citation shall be served upon the person owning the brand and mark as shown by the record, if he can be found in the county, at least one day before the day fixed for the hearing, and a copy of said citation shall be posted in at least three public and conspicuous places in said county at least eight days before the day fixed for said hearing. At the time fixed for hearing, an inspector, or other officer, shall make return of the citation to said court. If it appears that due service of said citation has been made, as required herein, and no one appears to claim said live stock so seized, or any thereof, the court shall thereupon adjudge the same forfeited to the state and shall order the same to be sold as hereinafter prescribed.

§2111. Trial and Judgment; Form of Judgment. If any person appear at the time fixed for the hearing and claim said live stock, or any thereof, his claim shall be stated and the judge of the court shall enter upon the court minutes the fact that such claim was made and the hearing shall proceed as in trials of civil actions. Stock adjudged to any person shall be released from seizure and stock not adjudged to any person, or the ownership of which is doubtful, shall be forfeited to the state, and ordered sold by the inspector at public auction at a convenient public place in the county where seized, upon a fixed date after notice, as in sales of personal property under execution. An appeal may be taken in the same manner as in civil cases and be regulated by the same rules that apply to appeals from the justice of the peace when the citation is heard therein, and from a judgment of the superior court when heard therein, by the laws controlling appeals therefrom.

§2112. Sale of Stock; Bill of Sale; Disposal of Proceeds. The officer shall execute the order of sale and deliver a bill of sale to the purchaser, describing therein the live stock sold and the amount for which sold, and forward to the board a duplicate of such bill of sale. Upon the delivery of the bill of sale, title to the live stock shall rest in the purchaser. The inspector shall immediately after the sale is made remit the entire proceeds of the sale to the board, together with an itemized statement of the expense of such seizure and sale, to be by it paid as other claims are paid. The amount so received by the board shall be remitted to the state treasurer, to be deposited in a special fund designated as the "seizure fund," which said fund may be used by the board for the enforcement of and compliance with the provisions of this chapter.

§2113. Brands and Earmarks; Transfers. Every person owning range live stock in this state shall adopt and record a brand and earmark with which to brand and mark neat animals, and brand horses, mules and asses, and every owner of other animals may adopt a brand or mark with which to brand or mark such animals. No two brands of the same design or figure shall be adopted or recorded, provided that the board, may, in its discretion, reject and refuse to record a brand or mark similar or conflicting to a previously adopted and recorded brand or mark. Before any new brand shall be recorded in the brand book, it shall be advertised in some newspaper, journal or bulletin, published in the state, at least once; if no objection to such brand is filed, it shall be recorded as hereinafter provided. The brand adopted and recorded shall be the property of the person so adopting and recording the same, and the right to its use may be sold and transferred. No sale or transfer thereof shall be valid, except by bill of sale duly signed and acknowledged as deeds for the conveyance of real estate are acknowledged, and recorded in the office of the live stock sanitary board.

§2114. Recording and Re-Recording of Brands; Fees. The board shall record in a brand book all brands and earmarks adopted as herein provided. Such recording shall consist in depicting in the brand book a facsimile of the brand adopted, and a diagram of the earmarks, together with an entry in said book of the name, residence, and post office address of the person adopting the same, the date when presented for record, the place upon the live stock or other animals where the brand is proposed to be used, the kind of animals upon which it is proposed to be used, and a general designation and statement of the location of the range whereon such animals are permitted to range. Before such record is made, proof shall be submitted to the board that the applicant is entitled to use the same. The applicant shall also make an affidavit that he does not know, and is in no way interested in, any similar brand or earmark that is being run or used by another in adjoining states or the Re-

public of Mexico. The fee for recording a brand or earmark shall be five dollars, and shall entitle the owner to a certified copy of the record. For recording a bill of sale or other instrument of conveyance of a brand or mark, or for the issuance of an additional certified copy of a brand or bill of sale of a brand, the fee shall be one dollar. Every owner of a brand or earmark of record as provided in this chapter who desires to continue the use of the same, shall, on or before the thirty-first day of December, 1931, and every ten years thereafter, make application to the board for the re-recording of such brand or earmark. It shall be the duty of the board, at least sixty days prior to January 1, 1932, to notify in writing every owner of a brand or earmark of legal record in its office, of the right to re-record the same as provided herein. The said notice shall be sent by mail to such owner at the last address of record in the office of the board. The board may also advertise the approach of the re-recording period in such manner and at such time as it may deem advisable. All recorded brands or earmarks for which no application to re-record has been made by December 31, 1931, and by December thirty-first of each re-recording year, shall be deemed abandoned and no longer of legal record. Brands or earmarks thus deemed abandoned shall not be awarded or recorded by the board to other persons than those abandoning the same until one year shall have elapsed from the date of such abandonment. The fee for re-recording a brand or earmark shall be two dollars. Otherwise the re-recording shall proceed in the same manner as provided for original recording, including the furnishing of one certified copy of the record to owners of such brand or earmark. It shall not be necessary to advertise brands offered for re-recording. The board is authorized and empowered to issue as it may deem advisable books and supplements thereto containing transcripts or part or all of its records of brands and earmarks, so arranged and indexed as to be suitable for use in identifying any brands or earmarks which may be found on any neat animals, horses, mules, asses, sheep, goats, or the hides thereof, and used in compliance with the terms of this chapter; copies of such books shall be available to anyone desiring them at a charge, to be fixed by the board, commensurate with the cost of compilation, publication and issuance, provided, that copies of such brand books or supplements thereto may be furnished by the board, without charge, to any public official or other person whose possession of the same will, in the opinion of the board, serve to promote the general welfare. Expenses in connection with the provisions of this section shall be met from any operation fund of the board, and any moneys derived from the sale of such books or supplements shall be remitted to the state treasurer to be credited to the general fund.

§2115. Certificate of Brand as Evidence. A certified copy of any entry made in the brand book relating to a brand or mark shall be taken in all the courts of this

state as prima facie evidence of all the facts required to be entered in said book and of the right of the person therein named to use such brand and mark for branding or marking his animals.

The appearance upon an animal of the recorded brand of the owner as shown by the said record shall be taken in court as prima facie evidence that the animal bearing such brand is the property of the owner of the recorded brand, except when such brand is borne by an animal seized under the provisions of this chapter.

§2116. Bill of Sale Necessary; Lack of in Trial for Theft. Upon the sale or transfer of any neat animals, horses, mules, or asses, the delivery of such animals shall be accompanied by written and acknowledged bill of sale from the vendor to the party purchasing. Upon the trial of any person charged with the theft, unlawful possession, handling, driving or killing of any such animal, the possession under claim of ownership without such bill of sale shall be prima facie evidence against the accused that such possession was illegal.

§2117. Owner of Brand Must Give Written Authority to Any Other Person Using Same. Any person owning a recorded mark or brand and being the owner of animals of the horse, mule, ass or neat cattle kind, branded with such brand, or who is the lawful owner of such animals having other brands, who may wish to authorize any other person to gather, drive or otherwise handle any of said animals by their mark and brand, shall furnish to such person an authority in writing containing a list of the marks and brands authorized to be handled and authorizing him to gather, drive or otherwise handle the stock therein described. If any person in giving any such written authority shall insert therein any mark or brand of which said person is not the lawful owner, and any animal having any such brand or mark shall be unlawfully taken, gathered, driven or otherwise handled by the person having such written authority and by virtue thereof, then the person giving such written authority shall be deemed a principal to the unlawful taking, gathering, driving or handling of such animal.

§2118. Using Unlawful or Unrecorded Brand; Penalty. Every person who shall brand any range live stock with a brand that has not been recorded under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine for each offense of not less than ten nor more than one hundred dollars, or by imprisonment not less than ten nor more than thirty days, or by both such fine and imprisonment. Any person who obliterates, disfigures, extends or changes a recorded brand, or by other and additional marks, figures or characters converts a recorded brand into some other brand, shall be guilty of a felony and be punished by imprisonment not less than one nor more than ten years; provided, that when it has been shown that a recorded brand has been converted or changed

into another brand claimed or owned by any person, it shall be prima facie evidence in all the courts, boards or commissions of this state that the claimant or owner of the latter brand obliterated, disfigured, and changed the prior recorded brand.

§2119. Taking Animal Without Consent of Owner; Violations in General. It shall be unlawful for any person to take up from a range, ranch, farm, corral, yard or stable any neat animal, horse, mule or ass and use the same without the consent of the owner of such animal, or of the person having the same lawfully in charge, and such person shall be guilty of a misdemeanor.

Article 5. Sheep and Goats.

§2120. Sheep Sanitary Commission. Three qualified electors, who are bona fide sheep owners of the state, shall be appointed by the governor, with the advice and consent of the senate, who shall constitute the sheep sanitary commission. Each appointee shall take and subscribe the oath of office and execute bond in the sum of two thousand dollars to the state; their term of office shall be two years. The commission shall convene at Phoenix at least once a year, or as frequently as it may deem necessary, and may appoint a secretary at a salary not to exceed seventy-five dollars per month. Members of the commission shall be allowed all expenses necessarily incurred while discharging their duties.

§2121. General Powers of Commission; State Veterinarian; Inspectors. The commission shall exercise a general supervision over, and do all things practicable to protect the sheep and goat interests of the state from disease, and it shall prepare and promulgate such rules and regulations as necessary for the quarantining and dipping of sheep and goats infected with scab or scabies, or any other infectious or contagious disease, or that have in any manner been exposed to any such disease, and for the speedy and effective suppression and eradication of disease among sheep and goats. It may employ such persons and purchase such supplies and materials as necessary, and shall cause a permanent record of its acts, official reports and correspondence to be kept. The state veterinarian shall assist, advise and cooperate with the sheep sanitary commission in carrying out its orders, rules and regulations. It may appoint inspectors, requiring them to execute bond in the sum of five hundred dollars.

§2122. Duties of Inspectors; Scabies. The inspectors shall carry out all orders and regulations of the commission, and inspect all sheep or goats at such times as necessary. Whenever an inspector finds any sheep or goats affected with scab or scabies or any other contagious or infectious disease, he shall notify the owner, or party in charge thereof, that such sheep or goats are infected or exposed, directing that they be doctored or dipped at such times and places, and in such manner as he may specify, and the owner or person in charge shall afford

the inspector all reasonable facilitation for inspecting and doctoring. Said inspector shall designate and limit the range to be occupied and the route to be traversed by such sheep or goats until cured of such disease, and if such owner or party in charge of such sheep or goats fails to carry out the direction of such inspector, the inspector shall take such sheep or goats into his possession at once and cause them to be cured. He may call to his assistance aid necessary for that purpose, and the owner shall be liable to said inspector for all necessary and reasonable expenses, including a compensation of five dollars per day to such inspector for every day and part of a day in which he is necessarily employed in guarding said sheep or goats until they are officially released.

§2123. Infectious Diseases; Prevention and Treatment. Whenever on examination of any herd of sheep or goats said inspector finds them infected or exposed to any infectious or contagious disease, he shall forthwith take measures to prevent such disease from spreading, and the owner shall immediately proceed to treat such sheep or goats for the cure of such disease, according to directions of said inspector. Any person failing to immediately observe such directions shall be guilty of a crime, and shall be fined not less than two hundred and fifty and not more than five hundred dollars.

§2124. Expenses of Treatment to Be Lien on Sheep. All legal fees, charges and expenses of inspectors shall be a first lien upon any such diseased, infected or exposed sheep or goats, in possession of whomsoever they may be found, for ninety days after treatment as herein provided, and if the owner or party in charge representing such owner, fails to pay the same upon the completion of such inspection or treatment such inspector may recover the same from the owner by an action, or he may seize and hold such sheep or goats or any part thereof for such payment, and if not paid within ten days after such treatment is completed, then such inspector may sell at public or private sale, sufficient of such sheep or goats to pay all legal fees, charges and expenses, including the expense of seizure and holding, and five dollars per day for his time during such seizure and holding.

§2125. Owner to Give Notice of Disease. The owner or person in charge of any sheep or goats who discovers, suspects or has reason to believe that they are infected with any contagious or infectious disease shall immediately notify a member of the commission, the state veterinarian, or an inspector thereof and any wilful concealment or attempt to conceal the existence of such disease, or failure to submit such sheep or goats for inspection when called upon to do so, or intentional obstruction of said officers in the discharge of their duties shall be a misdemeanor.

§2126. Dipping of Sheep. Any band or flock of sheep or goats 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 re-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 as would endanger the health or lives of such sheep, but diseased, infected or exposed sheep which cannot for any reason be dipped at once, must be held in quarantine under guard as heretofore provided, until they may be safely dipped, and shall be restrained and quarantined as to incur the least practicable damage to the sheep, and expense or hardship to the owner.

§2127. Rules for Dipping; Disinfecting Corrals. All dipping of sheep or goats done under the supervision of any inspector shall be in accordance with the rules and regulations established by the secretary of agriculture of the United States, and no disease, infected or exposed band of sheep or goats shall be released by such inspector until pronounced cured and clean. The inspectors may require corrals or places of close confinement of infected sheep or goats to be disinfected, moved or destroyed in such manner as they may prescribe.

§2128. Federal Inspectors Given Authority. The inspectors of the bureau of animal industry of the United States may exercise all rights and authority given under this article to inspectors appointed by the sheep sanitary commission.

§2129. Quarantine May Be Established. The commission may establish and declare any district wherein diseased or infected sheep or goats are found, or have recently been grazed or driven, to be an infected district, and may order sheep or goats thereon or exposed to be moved, doctored, cured or disinfected under quarantine regulations, provided for herein; provided, that sheep that have only been exposed to the infection of scab or scabies shall be dipped but once under regulations and supervision of an inspector.

§2130. Notice of Location of Buck Herd. Any person in charge of, or having the custody or control of any buck herd shall notify the state veterinarian during the first week of July of each year giving the location of said herd.

§2131. Moving Diseased Sheep; Permit. Any person desiring to move sheep which are not sound or which are infected with scab or any infectious or contagious disease, or which have been exposed to any such disease, shall obtain before moving, a trailing permit in writing, which may only be granted for the purpose of moving said sheep to the nearest practicable place where they may be treated for said disease and by such route as may be designated. Any person violating this section shall be guilty of a misdemeanor, and in addition thereto any person injured or damaged by reason of the moving of said sheep shall be entitled to recover his damage from said person.

§2132. Importing Sheep; Regulations. The commission shall formulate and enforce such rules and regulations governing the admission of sheep or goats into this state by rail or trail as will insure their freedom from infection.

§2133. Importation of Diseased Sheep; General Penalty. It shall be unlawful for any person to bring into this state any sheep infected with scab or any other contagious or infectious disease, or that have in any manner been exposed to such disease. Any person violating this section shall be guilty of a crime and punished by imprisonment for not exceeding sixty days or by a fine of not less than five hundred, nor more than one thousand dollars, or by both. Except as otherwise provided in this article, every person who shall violate, disregard or evade any provision of this article, or any of the rules, orders or directions of the said commission establishing and governing quarantine, or attempt to do so, shall be guilty of a misdemeanor; and in addition thereto shall be liable for any damage that may be sustained by reason thereof. The written report of any offense, made by an inspector under oath, shall be prima facie evidence of the commission of said offense.

§2134. Inspectors Have Power to Arrest. Inspectors shall have such powers of arrest as are conferred upon the sheriff for the arrest of persons violating any provision of this article, and shall promptly report to the proper peace officers all misdemeanors or crimes committed hereunder.

§2135. Dogs Killing or Chasing Sheep; Liability of Owner. If any person discovers a dog killing, wounding or chasing sheep or calves, or discovers a dog under such circumstances as show conclusively that it has recently killed sheep or calves, he may pursue and kill such dog. The owner of a dog shall be liable for all damages caused by his dog killing, wounding or chasing sheep or calves.

Article 6. Estrays and Migratory Live Stock

§2136. Estrays; When May Be Taken Up; Notice. No one shall take up any horse, mule, neat animal, sheep or swine, unless found within an enclosure possessed by him. Anyone taking up an stray shall immediately forward to the nearest justice of the peace and to the nearest inspector a description of each animal taken, giving its kind, age, sex, color, all marks and brands, when, where and by whom it was taken up and where it can be seen, and shall not, during the time it is in his possession as an stray, use the same. On receipt of such description by said officers, each shall post the same, or a copy thereof, in a conspicuous place in their offices and keep the same posted for at least thirty days. The inspector shall enter in a book the information contained in the description so received by him and shall undertake to find the owner and advise him where his animal can be found. The one taking up the animal shall, at any time before its sale, deliver the same to its owner on demand and pay-

ment to him of any costs incurred in advertising the same for sale.

§2137. Sale of Estray Animals. At the expiration of twenty days after the taking up of an estray, if the owner thereof has not been found, or has not paid, or tendered, the amount due thereon and demanded its return, the taker-up shall file with the justice of the peace nearest to the place where the animal was taken up an affidavit showing his right to take up the animal, its description and a compliance with the preceding section, whereupon the justice of the peace shall appoint three competent and disinterested persons to appraise the value of the estray and return their appraisal to said justice, who shall enter in his docket a minute of the filing of the affidavit, the appointment of the appraisers, their names and their returns, designate a time and place where said estray shall be sold at public sale, the constable or sheriff of the county who shall conduct the sale, issue an order to the officer named to advertise the animal and sell it, and designate a newspaper in which said sale be advertised. Said sale shall be advertised by the officer in the newspaper designated, for a period of not less than ten days, and shall take place not less than two nor more than five days after the expiration of such advertisement. The sale shall be for cash and for a sum not less than seventy-five per cent of the appraised value; provided, that at any time within one year after such animal has been sold as hereinbefore provided, the owner thereof may re-take said animal upon the payment to the purchaser at the sale, or his successor in interest, the costs incidental to the advertisement and sale and the amount paid for the animal.

§2138. Fees of Officers; Bill of Sale; Disposal of Proceeds. The justice shall receive a fee of two dollars, the appraisers each one dollar, and the officer ten per cent on the amount of the purchase price of the animal, to be advanced by the taker-up. The officer shall, on receipt of the purchase price, execute to the purchaser a bill of sale of the animal, vesting in him the title thereto, deliver the animal to the purchaser, pay to the taker-up the fees advanced by him, deduct his commission, deposit the remainder with the county treasurer to the credit of the school fund of the county and make return of his acts, together with his voucher, to the justice.

§2139. Destruction of Predatory Animals. Sufficient money for the purpose of cooperating with the United States government in the destruction of predatory animals and rodents destructive to live stock and detrimental to crops, equaling the federal appropriation and expenditure for those purposes within the state, to be expended under the supervision and direction of the bureau of biological survey of the United States, pursuant to any cooperative agreement between the State Live Stock Sanitary Board, the extension service, University of Arizona, and the said bureau, shall be paid when approved by the bio-

logical assistant, or the predatory animal inspector in charge, out of any appropriation therefor as other claims are paid.

Sec. 2140 repealed.

Article 7. Damages to Live Stock by Railroads.

§2141. Record by Railroad of Stock Killed or Crippled. Persons operating railroads shall require all section foremen, or persons discharging like duties, to keep at the section house a specific record, upon forms furnished by the Live Stock Sanitary Board, of stock killed or crippled upon their sections of such railroads, giving age, color, sex, marks and brands of such stock, which record may be inspected by the public at all reasonable times. They shall require each engineer to make a report to the railroad company on arrival at terminal, of all stock killed or crippled by his train and the time and place of such accident. The report of the engineer and the record of the section foreman shall be posted on Monday of each week at the section house or station house nearest where the accident occurred, and kept posted for thirty days.

§2142. Railroad Crossing for Stock; Bridge Openings; Violations; Penalty. A railroad, fencing its line or road, shall leave an opening at least once in every three miles, in an accessible place for stock to pass through, such opening to be at least sixty feet wide, with cattle-guards at each end, and fences run to such guards, place cattle-guards and wing fences on either side of the said openings, sufficient to prevent cattle entering upon the said right of way so enclosed, and leave unfenced any places wherein the railroad runs over any trestles or bridges that are sufficiently high for cattle to go under the same. Any company violating this section shall be guilty of a misdemeanor.

§2143. Liability for Damage to Live Stock by Railroad Company. Whenever live stock is injured or killed by locomotive or cars on the line of any railroad company unfenced by good and sufficient fence or other barrier sufficient to turn live stock, the company shall be liable in damage therefor to the owner of such live stock, unless it be shown that the owner, his agent or servants, immediately contributed to such killing or injury. The mere straying, or grazing unattended by a herder, of live stock upon unfenced portions of such railroad shall not be contributory negligence on the part of the owner.

§2144. Killing or Injury by Railroad; Owner Driving Stock on Track. Every railroad which negligently injures or kills any horse, jack, jennie or mule, or any cattle or other domestic animal, by running a locomotive or cars against such animal shall be liable to the owner for the damages sustained by reason thereof. The killing or injury shall be prima facie evidence of negligence. If the owner or the person in charge of such animals drives the same upon the track of such company, with intent to

thereby injure it or them, such owner shall be liable for all damage occasioned thereby.

§2145. Slaughter for Sale Without License Prohibited. It shall be unlawful for any person to slaughter any neat animals, horses, mules, asses, sheep or goats for sale or exchange, unless licensed as provided in this chapter, except producers, who may, upon special permit authorized by the board, slaughter not to exceed five head of neat animals, horses, mules or asses, or twenty head of sheep and goats in any one calendar year, and who shall not be subject to the requirements of section 2148 relating to licenses to peddle or retail fresh meats.

§2146. Sale or Possession of Unstamped Meat Prohibited; Penalty; Inspectors May Search Without Warrant. It shall be unlawful for any person to have in his possession, or to sell, offer for sale, give or exchange the meat of any neat animal, horse, mule or ass unless the whole hide of such animal has been inspected for marks and brands and the meat thereof stamped as hereinafter provided. The hide of such animal shall be marked, as provided by the board, so that it may be identified, for which the inspector shall collect fifteen cents for each hide so inspected. The inspector shall stamp upon the hind quarter, side, shoulder, neck and shank of both sides of the meat of the carcass the words "Brand inspected." Such stamping shall be done with a stamp adopted and furnished by the board. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty, nor more than one hundred eighty days, or by both such fine and imprisonment; provided, that nothing in this section shall be construed to apply to producers who are slaughtering such animals for their own consumption; and provided, that meat bearing a federal meat inspection stamp, may, at the option of the possessor, not be stamped as herein provided. Inspectors are hereby authorized to stop and search, without warrant, any vehicle or to search without warrant any container which such inspector suspects contains unstamped meat and, if any be found, it shall be taken by the inspector and, unless proof be submitted within twelve hours satisfying the inspector that the person from whom the meat was taken is the lawful owner thereof, such meat shall be forfeited to the state and sold or disposed of by the inspector.

§2147. Slaughter House Regulations; License and Bond; Penalty. Every person licensed to engage in the slaughtering of neat animals, horses, mules, asses, sheep and goats for sale shall slaughter all such animals in a fixed and definite slaughter house or slaughter pen, to be kept by such person for that purpose, or in the slaughter house established by the authorities of an incorporated city or town. Before such person shall begin, or carry on the business of slaughtering, he shall first make written

application for and procure a license from the Live Stock Sanitary Board, and shall execute upon a form furnished by the board a bond to the state in the penal sum of one thousand dollars, to be approved by the secretary of the board, conditioned that such person will comply with the law and will not slaughter any animals, sell or expose for sale the meat thereof, without first complying with the law regulating the sale of the animal slaughtered and the rules and regulations of the board. A violation of any of these conditions may be enforced by the board in the name of the state in the full sum of the bond.

§2148. License, Slaughtering Without Prohibited; Penalty. The board may grant an applicant, upon payment of the fees and presentation of proof of good moral character, a license to slaughter neat animals, horses, mules, asses, sheep or goats, as may be set forth in such license. For a license to slaughter not to exceed forty-five head of neat animals, horses, mules or asses and not to exceed fifty-five head of sheep or goats in any one calendar year the applicant shall pay a license fee of five dollars; for a license to slaughter more than forty-five and not to exceed one hundred-fifty head of neat animals, horses, mules or asses and more than fifty-five and not to exceed one hundred sixty head of sheep or goats in any one calendar year, he shall pay a license fee of fifteen dollars; for a license to slaughter more than one hundred fifty head of neat animals, horses, mules or asses and more than one hundred sixty head of sheep or goats in any one calendar year, he shall pay a license fee of eighty dollars. For good cause shown, the board may, after a hearing, and after notice to the holder of such license of its intention so to do, revoke any license issued hereunder. It shall be a misdemeanor for any person other than producers slaughtering under special permit, to slaughter any neat animals, horses, mules, asses, sheep or goats for sale or exchange or to offer for sale or exchange any portion thereof without first procuring a license.

Every peddler or retailer of fresh meat of any neat animals, horses, mules, asses, sheep or goats, shall, before offering such meat for sale or exchange, procure a license therefor from the Livestock Sanitary Board, for which he shall pay an annual license fee of ten dollars for each place of business, store, stand, market or vehicle wherein or wherefrom such meat is to be sold or exchanged, and he shall enter in a book kept by him for that purpose the name and address of each person from whom the purchaser obtained such meat, the date of purchase, quantity purchased, time and place of purchase, and upon the request of an inspector or peace officer he shall exhibit the same to such inspector or peace officer. All licenses issued hereunder shall expire on December thirty-first of the year in which issued. Any one failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each offense or by imprisonment for not

less than twenty nor more than one hundred days, or by both such fine and imprisonment.

§2149. Producers May Slaughter for Own Use. It shall not be necessary for producers who are slaughtering neat animals, horses, mules, asses, sheep or goats for the sole purpose of using the meat thereof for food for themselves, their immediate family or employes to procure a special permit or slaughtering license as required under the provisions of Sec. 2145 or Sec. 2148 of this chapter; provided, that the whole hide of all neat animals, horses, mules and asses slaughtered shall be hung in a conspicuous place on the premises of the producer and kept there until such hide has been inspected and marked or tagged by an inspector. Anyone failing to comply with this requirement shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty nor more than two hundred days, or by both such fine and imprisonment. Sections 2150, 2151, 2152, 2153 and 2154 are repealed.

§2155. Inspection of Animals and Hides at Slaughter Houses. Any person carrying on the business of slaughtering livestock shall notify the nearest inspector of the location of his slaughter house and of the time when it is proposed to slaughter any such animals, and no livestock shall be slaughtered until inspected, unless such inspection before slaughter be waived by the board. When any such animals are slaughtered, the inspector shall inspect the hides for brands and marks, charging therefor fifteen cents for each hide inspected, and tag or mark the same in a manner prescribed by the board, unless such tagging or marking be waived by the board.

§2156. Secreting or Defacement of Hide Unlawful; Penalty. Any person secreting any hide or hides of any live stock, or detaching, obliterating or defacing from or upon such hide any mark or brand before it is inspected by an inspector shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment not less than sixty nor more than one hundred eighty days, or by both such fine and imprisonment.

§2157. Purchase of Uninspected Hide Unlawful. It shall be unlawful for any person to purchase or otherwise acquire possession of any hide of neat animals, horses, mules, or asses until such hides shall have been inspected, and the possession of an untagged or unmarked hide upon which the tagging or marking has not been waived by the board shall be 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.

§2158. Slaughter House to Keep Record of Animals; Penalty for Failure. Every person who shall carry on the

business of slaughtering shall keep a true record in a book kept for that purpose of all neat animals, horses, mules, asses, sheep and goats purchased or slaughtered by him, with a description of all such animals so purchased or slaughtered, the marks and brands, if any, 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 copy of such record under oath, and deliver the same to the inspector of his district. Every such person who fails to keep such record, or who fails to deliver a true copy of the record, or who refuses to exhibit such record to any person demanding it, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten nor more than one hundred dollars for every day he shall have failed to comply.

§2159. Transportation or Selling of Uninspected Hides Unlawful; Penalty. It shall be unlawful for any person to receive for transportation any hides of live stock until they have been inspected, and it shall be unlawful for any person to sell any hides of live stock until they have been inspected. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not less than ten nor more than sixty days, or both such fine and imprisonment. All moneys collected under the provisions of this chapter, except those for taking acknowledgments, shall be paid to the Live Stock Sanitary Board and by it remitted to the state treasurer, to be deposited in the general fund, unless otherwise specifically provided.

CHAPTER 110 AS AMENDED

Crimes by and Against Stock Raisers.

§4851. Branding Animals of Another; Altering Brands; Liability; Penalty. Any person who shall brand or mark any animal with any brand, other than the recorded brand of the owner, or who shall efface, deface, alter or obliterate any brand or mark upon any animal, with intent to feloniously convert the same to his own use, is guilty of a felony and punishable by imprisonment for not less than one nor more than ten years, and shall be liable to the owner of such animal for three times the value thereof

§4852. Killing or Selling Live Stock of Another; Purchasing Without Right to Sell. Any person who shall knowingly kill, sell, drive, or lead away any neat animal, horse, mule, ass, sheep, goat or swine, the ownership of which is known or unknown, or any person who shall wilfully and feloniously purchase from any one not having the lawful right to sell or dispose of any neat animal, horse, mule, ass, sheep, goat, or swine, the ownership of which is known or unknown, is guilty of a felony. But this section shall not apply to taking up such animals under the estray laws of this state.

§4853. Selling Unbranded or Stolen Stock. Any person who may sell or offer for sale or trade any animals mentioned in the preceding section upon which such person has not recorded his brand, or for which he has neither bill of sale, nor power of attorney from the owner authorizing such sale, is guilty of a felony, unless such person shall prove that he was at the time the owner, or that he acted by direction of the owner, or that he acted in good faith and with an innocent purpose.

§4854. Concealing Livestock Killed by Railway Company. Any person who shall bury, remove or in any manner conceal any stock killed or injured by locomotives or cars of any railroad company, or by any motor vehicle, with intent to conceal the cause of such death or injury, shall be guilty of a misdemeanor, and fined not less than one hundred nor more than three hundred dollars, or imprisoned in the county jail not less than one nor more than three months, or by both.

§4855. Duty of Drover Whose Stock Intermixes; Penalty. When the stock of any resident of the state shall intermix with any drove of animals not the property of any such resident, the drovers or persons in charge shall cut out and separate such stock from said drove, without unreasonable delay, and drive such animals back to the place of intermixing, except in the case of sheep and horses, which shall be driven to the nearest suitable corral to be separated. Any person connected with the management of such drove, who shall fail or neglect to do so, shall be guilty of a misdemeanor.

§4856. Driving Stock Off of Range Without Owner's Consent; Penalty of Drover. When the stock of any resident of this state shall be driven off its range without the owner's consent by the drover of any herd, every person engaged in the care or management of such herds, shall be guilty of a felony.

§4857. Owner or Drover Allowing Drove to Trespass on Ranches; Penalty. Any person owning or having charge of any drove of cattle, horses, mules, sheep, goats or hogs, who shall drive the same into or through any county of this state where the land in such county is occupied by ranchers, shall prevent his animals from mixing with animals belonging to such ranchers, and from trespassing on such lands as may be the property of or be in the possession of any actual settler and used by him for grazing of animals or the growing of hay or other crops. No owner or person in charge of any such drove shall wilfully injure any resident of this state by driving such drove of stock from the public highway and herding the same on lands occupied by settlers in possession of the same, or negligently allow such stock to wander from the highway and do injury as aforesaid. Violation hereof shall be punished by fine not less than twenty-five nor more than one hundred dollars. But this section shall not apply to persons merely driving or herding across unenclosed lands in passing to public grazing lands or to lands owned or possessed by the owner of such drove, if the animals are the pro-

perty of a resident of this state, and are assessed and taxed therein.

§4858. Herding on Land or Camping at Water of Another; Penalty. Any person owning or having charge of sheep or goats who shall herd or permit the same to be herded on lands lawfully owned or possessed by another, without the express consent of such other person, or allow such sheep or goats to camp at any water developed and owned or leased by another without the express consent of the owner or lessee of said water, shall be guilty of a misdemeanor. The term "lawfully owned or possessed" applies to all land or lands owned in fee or held under lease, contract of purchase, pre-emption, homestead, or other law of the United States or the state. The instrument evidencing such possessory right to lands held other than by virtue of the laws of the United States or of the state, shall be recorded in the office of the county recorder of the county wherein such land is located before any complaint can be made.

§4859. Herding or Grazing Sheep on Cattle Ranges; Moving Sheep to Shipping Points or Lambing Grounds. Any person owning or having charge of sheep or goats who herds, grazes or pastures the same or permits or suffers the same to be herded, grazed or pastured on any cattle range previously occupied by cattle or upon any range usually occupied by a cattle grower either as a spring, summer or winter range for his cattle, is guilty of a misdemeanor; but the priority of right between cattle and sheep owners to any range is determined by priority in the usual and customary use of such range either as a cattle or sheep range.

Provided, that nothing herein contained shall be construed as prohibiting the herding or grazing of sheep over or upon any mixed range, and

Provided further, that any person, firm or corporation who may have heretofore purchased or may hereafter purchase any entire cattle range or lands or right to possession or use thereof, theretofore used as a cattle range or cattle grazing ground, or the grantees or assigns of any such person, firm or corporation, may thereafter use the same as lambing grounds or grazing grounds for sheep, subject otherwise to the provisions of this act.

Sheep and goats, when being moved from their accustomed range to a shipping point to be shipped or to lambing grounds for lambing purposes or when being returned from a shipping point where they were unloaded from cars or being returned to their accustomed range from said lambing grounds where they were located during lambing time, shall, when off a designated stock driveway and crossing a range which is being and has been used as a cattle range, travel at least three miles per day. That in moving from their accustomed range to said shipping point or lambing grounds or from such lambing grounds or unloading point to their accustomed range, they shall travel by the most direct practicable route to one of the Arizona stock driveways designated by the United States

government or to any other stock driveway hereafter fixed and determined and shall thence travel over and on such driveway and not depart therefrom until they reach a point nearest to their said shipping point or their usual lambing grounds and travel thence from said point by the nearest practicable route to said shipping point or lambing grounds, traveling at the rate of not less than three miles per day while crossing a cattle range and shall pursue the same course, traveling at the same rate, when going from said lambing point or unloading place back to their accustomed range. Provided, however, that when they are upon one of the aforesaid designated trails or upon any trail hereafter established, they shall travel at such rate as they may deem proper; and

Provided further, that nothing in the provisions of this paragraph shall be construed to give the right for any such sheep or goats to travel over, be herded on or graze upon the lands or possessory rights to lands of another.

Any person violating any provision hereof shall be guilty of a misdemeanor, and each day shall constitute a separate offense.

§4860. Stock Being Moved to Be Branded; Penalty for Failure. Each drove of cattle or sheep which may be driven into or through any county of this state shall be plainly branded or marked with one uniform brand or mark. The cattle shall be distinctly so branded with the distinguishing ranch or road brand of the owner. Sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily, should they become intermixed with other flocks of sheep owned in the state. Any owner or person violating the provisions hereof, shall be fined not less than fifty nor more than three hundred dollars.

§4861. Bull Allocation; Penalty. Any person owning twenty-five or more cows, who shall allow such cows to run at large, without providing at least one serviceable bull of good American graded stock to run with each twenty-five or fraction of twenty-five cows permitted to run at large, is guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars.

§4862. Cattle Contests; Gathering for; Penalty. Any person who shall gather any range cattle for the purpose of any tournament or contest for amusement, or reward or competition for prizes, without the written consent of the owner, or who engages in any steer tying contest or exhibition of steer tying, or who casts, ropes or throws any animal of the horse, cow or other kind, except in the necessary work done on the range or elsewhere in the handling of such animals shall be guilty of a misdemeanor.

§4863. Racing Horses Under Assumed Name at Fairs; Penalty. Any person who knowingly enters for competition, or competes for any purse, prize, premium, stake or sweepstake any horse, or colt under an assumed name or out of its proper class in a trotting, pacing or running race, shall be guilty of a misdemeanor.

§4864. Allowing Stallions to Run at Large; Penalty. Any person who shall permit any stallion over two years old to run at large upon the range within the state, unless such stallion shall be a high grade of some recognized good breed of horses, shall be guilty of a misdemeanor, and fined not less than twenty-five, nor more than three hundred dollars.

Pursuant to the authority vested by paragraph 2077 of the Live Stock Laws of Arizona, the Live Stock Sanitary Board adopts and orders spread upon its minutes the following rules and regulations.

RULES AND REGULATIONS

(1) **Inspectors:** All live stock inspectors are required to familiarize themselves with the laws, rules and regulations pertaining to their duties and to enforce the same with fairness and impartiality and without discrimination or favoritism.

(2) All live stock inspectors are required to make a report of their official acts to the Live Stock Sanitary Board at the end of each and every calendar month, said report to contain an itemized statement of all moneys collected and the nature of the services rendered for which charges were made. No demand for salaries will be allowed for inspectors until the reports herein required have been rendered.

(3) All live stock inspectors are required to keep in close touch with the movement of live stock in their respective districts and to report the same to the Live Stock Sanitary Board.

(4) All live stock inspectors are required to furnish the Board with a report of all live stock seized, together with a brief summary of the circumstances under which they are seized.

(5) All live stock inspectors are required to inspect for marks and brands, unless the inspection be waived by the Board, all live stock slaughtered for sale; all live stock sold; all live stock shipped or driven into or out of the state; all live stock driven from their accustomed ranges to be enclosed in pastures; all live stock driven between widely separated ranges; all live stock driven, shipped or transported by whatever means; provided however, that an inspector may not issue a certificate of the inspection of any unbranded or freshly branded live stock not accompanied by their mothers at the time the inspection was made; provided, further, that an inspector may not issue to any railroad, truck driver, or the operator of any other vehicle, a permit to ship or transport any unbranded or freshly branded live stock not accompanied by their mothers at the time the inspection was made, or any live stock for which there are two or more claimants.

(6) All live stock inspectors are required to inspect all live stock slaughtered for sale and to stamp the carcasses thereof and to inspect for marks and brands the hides taken from slaughtered live stock.

(7) All live stock inspectors are required and authorized by law to search without warrant any truck, refrigerator, or other equipment which such inspector suspects contains unstamped meat.

RULES FOR SALE OF STRAYS

(8) A "Stray" is an animal whose owner is unknown, or for which there is no claimant.

(9) Strays may be sold by live stock inspectors and an inspector's bill of sale issued to the purchaser. The net proceeds derived from the sale of stray animals, together with the duplicate of inspector's bill of sale, must be sent to the Live Stock Sanitary Board and deposited by the Board to the stray fund, and thereafter disbursed as the law directs.

RULES AND REGULATIONS FOR THE IMPORTATION OF LIVE STOCK INTO THE STATE OF ARIZONA

(10) No person or persons, individual, firm, corporation, company or association, or the agent thereof shall ship or drive live stock into the State of Arizona from any other state or foreign country before first seeking and receiving a permit, issued by the State Veterinarian or the Secretary of the Live Stock Sanitary Board, to do so, in addition to the proper health certificates as outlined below, and no railroad company, common carrier, or the operators of trucks or other conveyances shall ship or move into the State of Arizona any live stock without first ascertaining that the required permit has been issued, a copy of which shall be attached to the bill of lading if transported by railroad, or placed in the hands of the operators of trucks, or other conveyances by which the live stock are being moved.

(11) In writing or wiring for permit, the consignor shall state the name of consignee, point of origin, destination of shipment and class of live stock.

(12) Any person or persons, individual, firm, company or association, or agent thereof, who ships, drives or moves live stock into the State of Arizona from any other state or foreign country, in violation of these regulations, shall be held for the payment of all expenses and damages resulting from such violation.

(13) All live stock shipped, or driven into or through the State of Arizona from any area or other state or foreign country where fevertick, cattle scabies, or diseases that require dipping are known to exist, must be dipped free of infection and certified to as having been so handled by an authorized inspector of the Bureau of Animal Industry, U. S. Department of Agriculture, and a copy of said certificate must be attached to the way bill accompanying the shipment, if by railroad, or delivered to the operator of the truck, or the other conveyances by which the live stock are being transported, and a copy mailed to the office of the State Veterinarian at Phoenix, Arizona.

(14) The last preceding rule shall not be construed to prohibit the importation of live stock under Federal supervision for the purpose of dipping in vats or applying other devices used in the disinfection of live stock, when such vats and other devices are located on Arizona soil adjacent to the state or international lines.

(15) **Cattle:** Dairy cattle, health certificate, including Tuberculin test within past 30 days (intradermic test accepted) by an authorized Veterinarian.

(16) No dairy cattle of any age infected with Bang abortion bacillus can be shipped or moved into the State of Arizona.

(17) All Dairy cattle before being shipped into the State of Arizona must pass a standard tube agglutination test or other recognized test for Bang abortion disease, approved by the Arizona Live Stock Sanitary Board, by a recognized laboratory within 30 days prior to shipping. Only dairy cattle that are negative in all dilutions are eligible to consignment to Arizona.

(18) A report of the test approved by the proper Live Stock Sanitary official of the State of origin shall be forwarded the State Veterinarian of Arizona and a duplicate copy shall be attached to the way bill or accompany the animal.

(19) No Dairy cattle within the State of Arizona may be injected with a living Bang abortion vaccine unless the animal is known to be at that time, a reactor to a reliable test for Bang abortion disease.

(20) Dairy cattle shall be kept sequestered and separated from other cattle for a period of 60 days from the date of their arrival in the State. At the expiration of 60 days said stock shall be Tuberculin tested at owner's expense.

(21) Range cattle must be accompanied by health certificate by an authorized veterinarian, including a statement that they are free from scabies or exposure thereto for a period of six months before shipment.

(22) Range Bulls must be accompanied by a health certificate by an authorized veterinarian, including a statement that they are free from scabies or exposure thereto for a period of six months before shipment and were Tuberculin tested within 30 days prior to shipment.

(23) **Swine:** All swine imported into the State of Arizona must be accompanied by a health certificate, showing that they are free from infectious, contagious, or communicable disease, or exposure thereto, certifying that they have originated in a locality free from disease for a period of 90 days prior to shipment; otherwise certificate must show that they have been immunized by double treatment for hog cholera at point of origin and not loaded for a period of 21 days after such immunization. Hogs for immediate slaughter may enter the State if accompanied by a health certificate by an authorized veterinarian.

(24) **Sheep:** Health certificate showing them to be free from contagious, infectious and communicable diseases by an authorized veterinarian and dated not more than 10 days prior to loading.

(25) **Range Goats:** Health certificate by an authorized veterinarian.

(26) **Milch Goats:** Health certificate by an authorized veterinarian, including laboratory test for Malta fever, by a recognized laboratory.

(22) In addition, Range Bulls must be dipped once within ten days before entering State in a recognized Scabies dip.

(27) **Dogs:** All dogs imported into the State of Arizona must be accompanied by a health certificate by an authorized veterinarian, certificate to include a statement to the effect that no rabies has existed for a period of six months at point of origin or that the animal has been immunized.

(28) **Health Certificates:** All certificates of health must be made within 30 days of date of animal's entering State. They must be in quadruplicate, the original sent to the chief of the Bureau at Washington, duplicate attached to way bill, triplicate sent to State Veterinarian of State of origin of shipment, and the quadruplicate sent to the State Veterinarian at Phoenix.

(29) **Who May Inspect:** Federal Veterinarians, State Veterinarians, assistant State Veterinarians and other Veterinarians authorized to make test and inspections for interstate shipments by the live stock authorities of the State in which they reside.

(30) **Virus:** All serum manufacturers and dealers are hereby prohibited from shipping any virulent blood, hog cholera virus, or anthrax virus into the State of Arizona without the permission of the State Veterinarian.

(31) **Official State Veterinarian, Phoenix:** The State Veterinarian upon receiving information from the Live Stock Sanitary Board or other reliable source concerning a serious outbreak of infectious or contagious disease among the domesticated animals of this State or an adjoining state, shall proceed to the location of the suspected outbreak and make an investigation. And if, upon investigation, he finds there exists an infectious or contagious disease of a serious nature among the domesticated animals, he shall place a quarantine and issue orders concerning sanitary regulations and other necessary measures report forthwith his findings to the Chairman of the Live Stock Sanitary Board.

In order to execute the above regulations the State Veterinarian is authorized to enter any premises within the State of Arizona to make such investigation and to employ such assistance as may be necessary.

The Live Stock Sanitary Board reserves the right to suspend, abrogate or add to the foregoing rules and regulations whenever deemed necessary in order to more fully protect the health of the people and the live stock industry of Arizona.

Approved by the Live Stock Sanitary Board, in open session this 29th day of the May, 1933.

T. J. Cavness, Chairman

LIVE STOCK SANITARY BOARD.

Attest: Ben R. Clerk, Secretary.

Approved by the State Veterinarian.

Calvert T. Guilfoyle

STATE VETERINARIAN.

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