

Arizona Live Stock Sanitary Board LS 115, 1143/3

Live Stock Laws

OF THE STATE OF ARIZONA

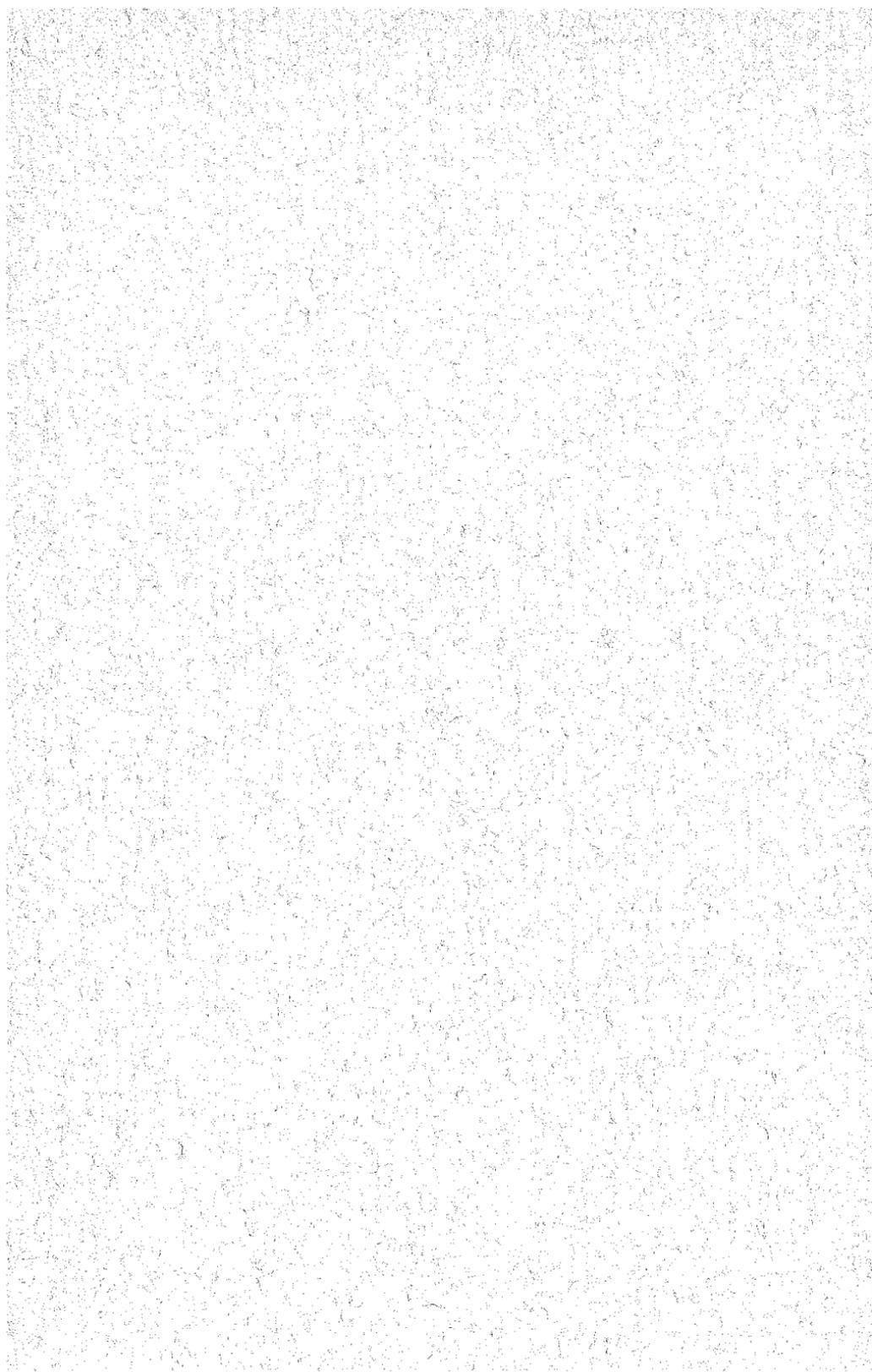


Rules and Regulations

Live Stock Sanitary Board
of Arizona



ISSUED BY THE LIVE STOCK SANITARY BOARD
OF ARIZONA



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TITLE XXX

LIVE STOCK

(Chapter 56, Laws 1913—Second Special Session)

Chapter: 1—Cattle. 2—Sheep and Goats. 3—Estrays.

CHAPTER I.

CATTLE.

3688. Three qualified electors identified with and experienced in the live stock interests in the State of Arizona shall be appointed by the governor, with the advice and consent of the state senate, who shall constitute the Live Stock Sanitary Board.

3689. Before entering upon the duties of his office, each appointee to such board shall take and subscribe the oath of office according to law, and file the same with the secretary of state; and he also 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 state; the term of office of the members of said board shall be three years.

The governor shall have the 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 its proceedings and make such reports to the governor as may from time to time be required by him, and a biennial report to the legislature, such reports to be made in triplicate. The members of the board shall each receive ten dollars per day for the time by him necessarily employed in discharging the duties required in this chapter; provided, 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 and necessarily traveled, which per diem and mileage shall be paid on the warrant of the state auditor, to be issued on the filing in the state 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 the approval of its chairman; but before any mileage shall be allowed or paid, the one claiming the mileage shall make and file with the state auditor his affidavit stating the distance traveled, which shall be estimated and based upon the most direct public route from his home to the place of meeting of the board.

3690. The governor shall nominate, and by and with the consent of the state senate, appoint a skilled veterinary surgeon for the State 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 hundred dollars per annum, and ten cents per mile for each mile actually and neces-

sarily traveled in the discharge of his duties. Before entering upon the discharge of his duties, the state veterinary shall take and subscribe an oath to faithfully perform the duties of his said office, and shall execute a bond to the State of Arizona in the sum of five thousand dollars, with good and sufficient sureties, conditioned for the faithful performance of the duties of his office, which bond and sureties thereto shall be subject to the approval of the governor; and said bond, together with his oath of office, shall be deposited in the office of the secretary of state.

3691. 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 infected with any infectious or contagious disease, to immediately communicate such fact, belief or suspicion to the board or any member of it, or to the state 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 state veterinarian, and any wilful concealment or attempt to conceal the existence of such disease, or to wilfully or maliciously obstruct or resist said board or the state veterinarian in the discharge of their duties, shall be deemed a misdemeanor.

3692. It shall be the duty of the board to provide for the protection of the health of the domestic animals of the state 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 and corrals and governing the admission of all classes of live stock into the state, 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 state of any contagious, infectious or malignant disease, to immediately notify the state veterinarian, whose duty it shall thereupon be to 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.

3693. Upon receipt by the chairman of the board of the report of the state veterinarian, provided for in the next preceding section, he shall immediately, if he deem that 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 exists which seriously affects the health of domestic animals, it shall, after ascertaining and determining the extent of premises or ground infected, authorize the state veterinarian to establish the quarantine, sanitary and police regulations necessary to circumscribe and exterminate such disease; and no domestic animals liable to become infected with the disease or capable of communicating the same, shall be permitted to leave the district, premises or ground so quarantined, except by the authority of the state veterinarian. The said board shall prescribe such rules and regulations as will enable the state veterinarian to perfectly isolate the diseased and exposed animals from all other domestic animals which are susceptible of

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becoming infected with the disease. The board shall also, from time to 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 member thereof, or said veterinarian, are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this chapter.

3694. When the said board or state veterinarian shall have determined the quarantine and other regulations necessary to prevent the spread among other domestic animals of any malignant, contagious or infectious disease found to exist among the live stock of the state, and given its order 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 handbills 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 state; 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 such notice as to it shall seem best to make the quarantine established effective.

3695. In any case of epidemic disease where premises have been previously quarantined by the state veterinarian as before provided, he is further authorized and empowered, when in his judgment it is necessary by and with the consent of the said board, to order the slaughter of any

any domestic animals in violation of any direction, rule, regulation or other 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 state veterinarian a bill of good 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 to sell or give away its milk, or to remove any part of the skin.

3697. Whenever the said board shall have good reason to believe that any contagious or infectious disease exists in any other state or country, or that there are conditions that render domestic animals from such districts liable to convey such disease, it shall report the same to the governor. Thereupon the governor shall, by proclamation, prohibit the importation of any live stock of the kind diseased into the state, unless accompanied with a certificate of good health given by a duly authorized state veterinarian, and all such animals arriving in this state shall be examined upon arrival by the state 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 state veterinarian. All expense connected with such examination shall be paid by the owner or owners or the person in charge of such stock.

3698. It shall be unlawful for any person, persons, firm, association or corporation to drive or transport, or cause to be driven or transported, in the State of Arizona any live stock from those states 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 state on a railroad, when not unloaded, are not liable to any penalties attached to this chapter; otherwise the regulations contained herein shall apply as well to those animals in transit through the state as to those resident therein; and the said board, a member thereof or the state 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 state, 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 state.

3699. Every person, persons, firm, association, corporation, owner or agent who shall knowingly bring into this state 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 guilty of a misdemeanor.

3700. Except as otherwise provided in this chapter, every person, persons, firm, corporation, owner or agent who shall violate, disregard or evade any of the provisions of this chapter, 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 every person, persons, firm, association, corporation, owner or agent who shall 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 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 section.

3701. The said board shall have the power to employ such persons and purchase such supplies and materials as may be necessary to carry

into full effect all orders by it given as hereinbefore provided; provided, that no laborer 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.

3702. The said board shall have the power to call upon any sheriff, deputy sheriff, constable, cattle inspector or detective to execute their orders, and such officer shall obey the orders of said board; the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, which fees shall be a county charge against the county wherein such services were performed; and any peace 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 county attorney of such county of such arrest, and said county attorney shall prosecute the person so offending according to law.

3703. No person shall drive or cause to be driven into or through any county or part thereof of this state, or turn loose or cause to be turned upon or kept upon any highway, range, common or inclosed pasture within this state, any cattle capable of communicating, or liable to impart, what is known as Texas, splenetic 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 nor more than one year, or by both fine and imprisonment, and shall be liable to any party injured through such violation for any damages 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 live stock so communicating the disease to be enforced as other liens on like property.

3704. No officer, agent, employee, 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 within this state, any cattle capable of communicating, or liable to impart what is known as Texas, splenetic 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, be adjudged 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 for not less than thirty days nor more than one year, or by both such fine and imprisonment; and shall be liable to any party injured through such violation for any damages 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 live stock so communicating the disease, to be enforced as other liens on like property; provided, that cattle in transit in cars through this state on any railroad, and not unloaded, are not liable to the penalties attached to this section; provided, further, that the provisions of this and the preceding sections allow the entry into Arizona of cattle from south of the U. S. Quarantine Line for

immediate slaughter, at all seasons of the year, and non-infected cattle from south of the U. S. Quarantine Line for all purposes in compliance with the regulations of the live stock sanitary board.

3705. It shall be the duty of any sheriff, under sheriff, deputy sheriff or live stock inspector within this state, upon complaint made to him by any citizen of the state, 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, splenic 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 the 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.

3706. Whenever said board shall determine that certain cattle within the state are capable or liable to impart Texas, splenic or Spanish fever, they shall issue an 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 day of December next ensuing, on which date they shall direct such officer to deliver such cattle to the owner or 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 such 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 the 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 sale, and at the time and place so advertised he shall proceed to sell as many of the said cattle as shall be necessary to pay off said costs 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 law for similar services, to be paid as other expenses of said board are paid by law.

3707. Any person such as is specified in section 16 (par. 3703) of this chapter, or any officer, agent, employee, servant or other person as is specified in section 17 (par. 3704) of this chapter, 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, splenic 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.

3708. 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, splenic 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 state in violation of the rules of the live stock sanitary

board 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 splenic 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, splenic or Spanish fever, within the meaning of this chapter, 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.

3709. Whenever any person shall, in violation of this chapter, 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 state 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.

3710. The said board is hereby authorized, and it is made its duty, to exercise a general supervision over, and as far as may be protect the stock interests of the state from theft, and the public from diseased and unwholesome meat products; and in furtherance of these objects the said board shall advise and recommend from time to time such legislation as in its judgment will foster this important industry; and shall appoint such live stock inspectors and detectives and slaughterhouse inspectors and detectives as it may deem necessary for the furtherance of these objects under the regulations hereinafter provided. Such inspectors and detectives shall be under the exclusive directions and control of the board, and shall report to it all their official acts as hereinafter provided. The said board shall cause to be kept in a safe place a permanent record of its own acts and of all the official reports of said inspectors and detectives. The board may appoint a secretary and pay him for the clerical work and keeping the records of the inspection service a sum not exceeding eighteen hundred dollars a year, and hire such additional clerical help as shall be necessary to keep the records properly. The secretary of the board before entering upon the discharge of his duties shall file the oath of office prescribed by law, and a bond payable to the State of Arizona in the penal sum of two thousand dollars with good and sufficient sureties to be approved by the chairman of the board, conditioned as other official bonds required by law. The oath and bond after its approval shall be filed with the secretary of state.

3711. The said board shall prescribe rules and regulations for the seizure and selling of stray stock. They shall furnish suitable blanks in triplicate, upon which all inspectors shall keep a record of their inspections, and upon which they shall report to the board all inspections made; the inspection reports, whether in the hands of the inspector or in the office of the board, shall at all times be open to any person or persons desiring to examine them, and the secretary of the board shall give to any person inquiring any desired information obtainable from the inspection records.

3712. Whenever any funds received by the said board from the sale of strays shall have remained in its possession for twelve months without any owner having been found, it shall be the duty of the chairman of the board to pay the same to the state treasurer, to be placed by him in the license and inspection fund hereafter provided for.

3713. It shall be the duty of the board, upon petition of not less than five cattlemen, each of whom shall be the owner of not less than fifty head

of cattle in the State of Arizona, to appoint live stock inspectors at any point at which there is no regular appointed and acting inspector, who shall hold office at the will and pleasure of the board.

3714. Every 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 board, running in the name of the state, executed by himself and at least two good and sufficient sureties, which bond shall be approved by the chairman of said board. The condition of the bond shall be such that in the event of failure to properly perform the duties of his office, suit on said bond may be brought by the board in the name of the state for the amount of the bond, and the amount so recovered over and above any amount that may be necessary to compensate any person for actual loss sustained through such neglect shall be paid into the license and inspection fund.

3715. Every inspector appointed under this chapter shall have power to appoint as many deputies as shall be necessary to perform the duties imposed on them by this chapter, and such deputies shall have the same power and authority to perform the duties of their office as their principals; and the inspectors shall require bond and security of their deputies for the faithful performance of their duties; and the said deputies shall, before entering on their duties, take and subscribe the oath of office as prescribed by law, which, together with the certificate of the officer administering the same, shall be endorsed upon the bond, and which said appointment, oath and bond shall be filed with the board and be subject to its approval. And the inspector shall be responsible to any persons injured thereby for the official acts of each of his deputies, and he shall have the same remedy against his deputies and their sureties as any person can have against the inspectors and their sureties.

3716. It shall be unlawful for any live stock inspector, appointed under the provisions of this chapter, to engage in buying, selling, bartering or exchanging live stock upon commission or for other compensation or reward as factor, broker or agent, and every such inspector convicted thereof shall be guilty of a misdemeanor.

3717. Every inspector shall have authority to authenticate bills of sale of animals and brands and marks and give certificates of acknowledgments of the same under his hand and seal and to take acknowledgments to applications for brands and marks, provided that no inspector shall be entitled to receive a fee of more than twenty-five cents for taking any single acknowledgment.

3718. The inspectors are empowered, and it shall be their duty, to arrest all persons who violate the stock laws of this state, and shall, upon information that any person or persons have committed any crime or misdemeanor against the laws of this state, in feloniously and unlawfully marking or branding any stock, or for violating any of the other laws of this state 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, 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 any of the crimes and misdemeanors against the laws of

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

3719. No inspector shall grant any certificate of inspection of any unbranded hides or animals or of any hides or animals upon which the marks and brands cannot be ascertained; and he shall prevent the same from being shipped out of the county unless they are identified by proof, or by a bill of sale signed by the proven owner of such hides or animals and duly acknowledged before some officer authorized to take acknowledgments to such bills of sale; provided, that all cattle that are sold and driven to be delivered in fields or pasture shall be inspected for brands and marks upon delivery in such fields or pasture; and the inspector making such inspection shall report such inspection to the board as other inspections are reported.

3720. 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 station, at the place of exit from the state, 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 state to any other place either in or out of the state, and to require from the owner or owners, or the 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 such 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 by the owner or owners thereof 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 and 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 upon such inspection stock 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 stock shall be taken by the inspector and dealt with in accordance with the rules of the board in such cases made.

3721. Every inspector who shall knowingly give or make a false certificate, or shall, without good cause, refuse to give a certificate of inspection, or 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.

3722. Every inspector, upon being advised or informed that any live stock is subject to inspection, must, unless he be engaged in a like duty elsewhere, inspect such live stock immediately. The person in charge of such live stock must, as soon as it is inspected, pay to the inspector for such inspection ten cents per head for horses, mules, asses and neat cattle, and two cents per head for hogs. The inspector shall thereupon certify in writing to the owner or person in charge, on a form furnished by the

live stock sanitary board, that such live stock has been inspected, according to law, for health and for marks and brands.

3723. 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 party 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.

3724. It shall be unlawful for any common carrier to receive any live stock for transportation until and unless the same shall have been inspected as required by this chapter, and until such common carrier shall have been furnished with a certificate by a duly authorized inspector, showing that the health, brands and earmarks of 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.

3725. It shall be unlawful for any owner of range live stock to permit his or their range live stock to roam and feed upon the ranges in this state unless said live stock shall be branded and marked as prescribed by law, except such young, unweaned animals as may be running with their mothers.

3726. Every inspector appointed under the provisions of this chapter shall, without process, have the power, and it is hereby made his duty, to seize any domestic live stock animal found running at large upon any range which shall not be branded in accordance with the provisions of law, except young unweaned animals running with their own mothers; and any domestic live stock running at large upon any range upon which the brands are so mutilated, indistinct, burnt or otherwise disfigured as to be incapable or difficult of ascertainment; any domestic live stock so running at large upon which there may be a brand which is not recorded as required by law; any domestic animal freshly branded and not found with its mother; any domestic live stock so running at large upon the range having on it a mark or brand not the recorded mark or brand of the owner of such live stock; and any such domestic live stock so running at large which is freshly marked or branded and which are known as "leppys," "orejanas," "sleepers," "dogies," or "mavericks."

3727. 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 animals 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.

3728. The term "range," when used in this chapter as descriptive of any live stock, shall be held, construed and defined to be descriptive of live stock or animals which are customarily permitted to roam upon the open and unenclosed tracts of land in the state, whether of the public domain or in private ownership, and upon which by custom, license or otherwise live stock is permitted to roam and feed, and not in the immediate actual possession or control of the owner or any person for him. Such animals shall be deemed range animals notwithstanding they may occasionally be placed by the owner in enclosures for temporary purposes. The enclosure

or possession of range animals by others than their owners shall not change their character as range animals.

The term "range," for the purpose of the interpretation and application of this chapter, shall be understood to mean the unenclosed lands outside of cities and towns, in this state, whether of the public domain or in private ownership, upon which by custom, license or otherwise live stock is permitted to roam and feed.

3729. Whenever an inspector shall have seized any animal under the provisions of this chapter it shall be his duty to safely keep and care for the same until disposed of as hereinafter provided.

It shall be the duty of the inspector so seizing any such animal to forthwith report such seizures, if the value of all thereof seized at one time do not exceed two hundred dollars, to a justice of the peace having his office nearest the place of seizure. The report shall be in writing and signed by the inspector, and be in substantially the following form:

State of Arizona, County of....., ss.:

In the matter of the seizure of certain animals described as follows: (Here describe the animals seized, setting forth the kind, sex, apparent age, color and marks and brands, briefly.)

To....., Justice of the Peace of..... Precinct,County, Arizona.

Under and by virtue of Par. 3726 of Chapter "I" of Title "XXX"..... of the Revised Statutes of Arizona, 1913, Civil Code, relating to live stock, I did, on the.....day of....., 19....., at..... (here state as nearly as practicable the place of seizure) seize and take into my possession, and now have in my possession, the following described animals: (Here describe the animals), which are of the aggregate value of \$..... I have seized said animals because they were found running at large on the range at the place where seized, and (here state the cause of the seizure); or, if the animals were branded with the recorded brand, say: (The brands on said animals seem to be the recorded brands of.....)

I ask, therefore, that a citation be issued according to law requiring the owner or owners thereof to appear at a time to be fixed by you and prove their ownership.

Dated this day of, 19.....

Inspector.

If the aggregate value of the animals so seized under one seizure as estimated by the inspector shall exceed two hundred dollars, then such report shall be made to, and filed with, the clerk of the superior court of the county where the seizure was made, such report to be addressed to said clerk, and the form thereof to be as above provided, modified to suit the circumstances.

3730. Upon the making of such report to the justice of the peace, the justice shall enter the fact of the filing and a brief statement of the report on his docket, and by an order entered therein shall fix a day and hour for the hearing of evidence of the ownership of such animals. The day so fixed shall be not less than twelve and not more than twenty days after the date of the filing of the report. The justice shall thereupon issue a citation directing all persons claiming said animals or any of them to appear before him on the day and hour fixed therefor and prove his or their ownership thereof. Said citation shall be delivered to and served by the inspector who made the seizure, or if for any reason he be disqualified or cannot act,

then to any constable or sheriff of said county. The citation shall be in the following form:

The State of Arizona, to Whom It May Concern, Greeting:

Whereas, an inspector appointed by the live stock sanitary board, has this day reported to me in writing that he has seized at (place of seizure) the following described animals (describe them as in the report) the following described live stock, running at large on the range, that is to say (here describe it, all of which is of the aggregate value of And, whereas, I have by order duly entered in my docket fixed the day of, 19....., at o'clock, as the day and hour at which evidence of the ownership of said live stock, or any of it, will be heard if any be then and there produced by any claimant or claimants thereof. You are therefore now hereby cited and summoned, if you claim any of said live stock, to be and appear at the day and hour as aforesaid fixed and produce before me whatsoever evidence you may have of your ownership of said live stock, or of any thereof, or failing therein said live stock will be condemned and sold as directed by law.

Given under my hand this day of, 19.....

Justice of the Peace.

Precinct.

County,
State of Arizona.

3731. If the live stock, or any thereof, be branded and marked with the duly recorded brands or marks of any person or persons, said citation shall be served by the officer to whom the same is delivered upon the person or persons owning the brand and mark, if he or they can be found in the said justice precinct, at least five days before the day fixed for the hearing of the evidence of ownership, by reading the same to him or them aloud and by delivering a copy thereof to each of them, and by posting a copy of said citation in at least three public and conspicuous places in said precinct at least eight days before the day so fixed for said hearing, at least one of which shall be posted upon the range as near as practicable to the place of seizure.

3732. Upon the day and at the hour fixed for hearing, said inspector, or the officer to whom said citation was delivered for service, shall make due return thereof to said justice under oath endorsed thereon or appended thereto. If it shall then appear that due service of said citation has been made as required herein, and no one shall appear to claim said live stock so seized, or any thereof, the justice shall thereupon adjudge the same to be forfeited to the state, and shall order the same, or such thereof as may not have been claimed, to be sold as hereinafter prescribed.

3733. If any person or persons shall appear at the time fixed for the hearing of evidence of ownership, and shall claim said live stock, or any thereof, his or their claim shall be stated by him or them in writing and filed with said justice, or such claim may be stated orally, and in either case the justice shall enter in his docket the fact that such claim was made by him or them severally. Thereupon the justice shall proceed to hear proofs of ownership offered by said claimants and for that purpose may examine the witnesses and permit the claimants so to do, and to introduce any other competent evidences as to such ownership. The justice shall

cause the attendance of witnesses and the production of evidence and conduct the trial of the question of ownership under the rules applicable to trials of civil cases before justices.

If any such claimant shall by legal proof establish his ownership to any of the live stock so seized, the justice shall adjudge him to be the owner of that part, and the same shall thereupon be released from such seizure.

If the ownership of said live stock or any thereof be not so established, then said justice shall adjudge so much thereof, the ownership of which has not been established, to be forfeited to the state, and shall order the sale thereof by the inspector at public auction in the manner herein prescribed. The judgment and order in such case shall be substantially as follows:

The ownership of the following described animals, seized as aforesaid, to-wit: (here describe them), not having been established by legal proof by any claimant or claimants thereof, it is now ordered and adjudged that the same be and they are forfeited to the State of Arizona, and it is further ordered that said inspector, or any constable of said county, shall upon receipt by him of a certified copy of this order, sell at public auction all of said last above described animals at some convenient public place in this justice precinct on some day to be fixed therefor by him, between the hours of ten o'clock A. M. and 4 o'clock P. M., to the highest bidder therefor for cash. That he shall give public notice of the time and place of said sale by posting a written or printed notice thereof in at least three public places in said precinct, and of the proceeds make due disposition as prescribed by law. And thereupon said justice shall issue execution and deliver the same to any inspector appointed by the live stock sanitary board, which execution shall be substantially in the following form:

State of Arizona,

County of....., ss.:
In the matter of
the seizure, etc.

Before, Justice
of the Peace in and for the.....
Precinct in said county.

The State of Arizona,

To....., Inspector, Greeting:

Whereas, on the day of, 19....., there was duly rendered and entered in my court a judgment and order of sale in the above entitled matter, whereof the following is a true copy (here insert the body of the judgment of forfeiture and order of sale). You are therefore hereby commanded to sell said animals in accordance with said order and in the manner prescribed by law, and of this writ make due returns, with your proceedings therein endorsed, within thirty days from the date hereof.

Witness my hand and seal this.....day of....., 19.....

Justice of the Peace.

3734. Upon receipt of such writ, the inspector shall proceed forthwith to post notices of sale of the animals ordered to be sold, fixing therein a day and place for such sale. He shall post at least three of such notices, one in each of at least three public places in said precinct. Said notices shall be so posted at least seven days before the day fixed for said sale. On the day the inspector shall appear at the place of sale named in the notice, between the hours of 10 A. M. and 4 P. M., and in view of said animals shall sell the same at public auction to the highest bidder for cash. Neither

the inspector or the officer executing said writ, nor the justice of the peace rendering the judgment on which they are offered for sale, shall be directly or indirectly the purchasers of the said animals nor of any of them. Upon a sale of said animals the officer selling same shall execute, acknowledge and deliver to the purchaser or purchasers thereof a bill of sale therefor, describing the animals with such particularity that they may thereafter be identified with reasonable certainty. The bill of sale may be in the following form:

To Whom It May Concern: Know ye that:

Heretofore, to-wit, on or about the day of, 19....., the animals hereinafter described were seized under the provisions of Chapter I of Title XXX of the Revised Statutes of Arizona, 1913, and that such seizure was reported to, a justice in and for Precinct, County, State of Arizona; that a judgment of the forfeiture of said animals and an order for the sale thereof was duly rendered and entered by said justice of the peace on the day of, 19.....; that thereafter on a writ for the execution of said order duly issued to me by the said justice of the peace, I did, to-wit, on the day of, 19....., and in the manner prescribed by law, sell said animals hereinafter described at public auction to for the sum of dollars; that the said purchaser has paid me the said purchase price. Therefore, in consideration of the premises, I have sold and do hereby sell to the said the following animals (here describe them).

Witness my hand this day of, 19.....

Inspector.

To which shall be appended the usual form of acknowledgment. Upon the execution and delivery of such bill of sale to the purchaser, the absolute title to the animals therein described shall vest in the purchaser.

3735. Out of the proceeds of every such sale the inspector shall retain, first, the costs, the keeping of the animals seized, adjudication and costs incident thereto. The costs to be charged shall be those allowed by law to other officers for similar services. The cost of the keeping of the animals shall be limited to the actual cost necessarily incurred therefor. The inspector, or other officer executing the order of sale, shall make out an itemized statement of the expenses actually incurred by him in seizing and caring for the animals seized, in duplicate, under oath, one of which he shall attach to and return with the execution, and the other he shall file with the live stock board. The justice of the peace shall also make out an itemized statement of his costs and of the costs incurred in and about the adjudication in his court, and transmit one copy thereof to the said board, and another he shall deliver to the inspector with the execution. After the payment of the costs as above provided, the inspector shall forthwith remit the remainder of the proceeds of such sale to the said board, to be by it placed in the license and inspection fund.

3736. All moneys received by the board for the licenses provided for in this chapter shall be turned over to the state treasurer, to be deposited in a special fund to be known as the license and inspection fund, and shall be subject only to warrant drawn by the state auditor on demand of the chairman of the live stock sanitary board, duly countersigned by its secretary, for the payment of inspectors, attorney's fees and such other expenses as may be incurred to enforce the provisions of the stock laws.

It shall be the duty of the state veterinarian, any inspector, deputy

or assistant and every employee of the board to make out on the first day of January, April, July and October of each year an itemized statement of all fees, costs and other money paid to them as such officers, under oath in a form to be prescribed by the board, and shall thereupon pay the same, except such as they are by law allowed to retain, to the board.

3737. 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 state auditor, setting forth each item covered in said certificate. The state auditor shall then draw his warrant on the state treasurer for the respective amounts set forth in each specified account, and the treasurer shall pay the same as other warrants are paid; provided, that no warrant shall be issued in payment for the printing of the reports of the live stock sanitary board.

3738. It shall be unlawful for any person or persons, firm or corporation to slaughter, within this state, any horned or neat cattle, sheep or goats for sale, barter or exchange unless he, they or it shall have a license therefor issued in accordance with the provisions of this chapter. Provided, that this section shall not be held to apply to any person who may slaughter not exceeding three head of neat or horned cattle or twenty sheep or goats in any one calendar year, other than range stock, and the meat whereof is not disposed of or exposed for sale or other disposition in any city, town or mining camp wherein any person is licensed under the provisions of this chapter to slaughter cattle, sheep or goats for sale.

3739. It shall be unlawful for any person or persons, firm or corporation to dispose of by sale, gift, barter or exchange any meat of any domestic animal slaughtered in this state, unless such animal shall have been inspected before it shall have been killed, and the meat and hide or pelt thereof inspected after it has been killed, in the manner prescribed by law for the inspection of animals, meat and hides.

3740. Every person or persons, firm, association or corporation licensed to engage in the slaughter of live stock for sale in this state shall slaughter all such animals in a fixed and definite slaughter-house or slaughter-pen, to be kept by such person or persons for that purpose, or in the slaughter-house established by the authorities of an incorporated city or town; and before such person, persons, firm, association or corporation shall begin, enter upon or carry on the business of slaughtering any neat or horned cattle, sheep or goats for sale or for the sale of meat, or selling or exposing for sale the meat of such animals in the State of Arizona, such person, persons, firm, association or corporation shall first procure from the live stock sanitary board a license to carry on such slaughtering business, and to 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 State of Arizona, in the penal sum of one thousand dollars, to be approved by the chairman of the board, conditioned that such person, persons, firm, association or corporation shall not slaughter, sell 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, association or corporation shall slaughter or sell, or expose for sale, any neat cattle or the meat thereof as aforesaid, they 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 upon the condition that they shall comply with all the provisions of this chapter relating to that business.

3741. The live stock sanitary board shall grant to each and every applicant therefor on the payment of the fees herein provided for a license to slaughter horned and neat cattle, sheep and goats as may be set forth in such application for the unexpired portion of the calendar year in which such license is granted. If the business is to be carried on within, or within four miles of any town of more than five thousand inhabitants, the applicant shall pay to the board a sum equal to one hundred and fifty dollars per annum for a license to operate such business of slaughtering, at a fixed and definite slaughtering place; in case the business is to be carried on within, or within four miles of any town of not more than three thousand inhabitants, and less than five thousand inhabitants, the applicant shall pay at the rate of one hundred and twenty dollars per annum for such license; in case the business is to be carried on within, or within four miles of any town of over one thousand inhabitants and less than three thousand inhabitants, the applicant shall pay at the rate of ninety dollars per annum for such license, and in all other cases at the rate of thirty dollars per annum for such slaughtering license. Provided, that no license shall be granted for a shorter term than to December 31st of the year in which it is issued.

3742. The applicant for such license shall make written application to the board therefor, and state in his application where his slaughter-house is or will be located during the term for which such license is issued, and he shall not, during the term of such license, slaughter any 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 the location of such slaughtering place, he shall apply to the said board to have such license transferred to cover such change. And such board may re-issue such license on application therefor without any additional charge for the unexpired term of such license.

3743. No law relating to the inspection of animals made applicable to persons engaged in slaughtering animals produced by others shall be applied to producers, provided that no such producer shall slaughter and offer for sale exceeding five head of neat or horned cattle or twenty sheep or goats in any one calendar year, but all animals slaughtered by the producer thereof for food shall be inspected as herein provided before killing.

The term "producers," within the meaning of this and the succeeding sections, shall be taken to include the owners, proprietors, tenants and occupants of the lands and premises wherein and whereby the animals mentioned in this section are raised or prepared for market.

3744. Any person, firm or corporation who shall import or bring into the State of Arizona the meat of any domestic animal for sale for food, or who shall offer for sale the meat of any domestic animal, whether fresh, salt or dried, that has not been slaughtered under the provisions of this chapter, or has not passed the inspection of a United States Government meat inspector, shall be subject to the same license fees, regulations and penalties as are prescribed for persons slaughtering animals for the sale of meat in the State of Arizona.

3745. Every ranchman or other person not engaged in the business of

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

3746. Before any producer shall slaughter any domestic animal intended for food he shall cause the same to be inspected; the inspection shall be made at the place where such animal is to be slaughtered; such slaughter shall take place within three days after the inspection; the inspection may be made by a live stock inspector, or by two disinterested land owners able to speak, read and write the English language, and who are in no way related to the owner of such animal.

3747. The inspector or inspectors shall examine, by daylight, the animal to be slaughtered, and shall make and sign a statement showing when and where the examination is made, the name of the owner, and the character of the animal, giving a full description of it, including color and brand, if any brand; and if it is well, sound and fit for food, they shall so state; and the owner, within ten days after such inspection, shall deposit such statement with the county recorder of the county wherein such inspection is made, and shall preserve the hide of such animal for inspection as provided by law. The recorder shall be entitled to no fee, but shall preserve such statement for public inspection for a period of six months.

3748. If any producer shall slaughter for food any domestic animal, or sell or offer for sale any such slaughtered animal, or any part thereof, that has not been inspected and found to be well, sound and fit for food, or shall fail to deposit the statement made by the inspector or inspectors, or fail to keep the hide of any animal slaughtered by him for inspection as provided by law, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

3749. No tax, license or other burden or fee shall ever be imposed or levied upon or demanded or collected from any producer as herein defined because of any sale or sales of any such products; nor shall any penalty or punishment ever be imposed upon him on account of any such sale; nor shall any municipal ordinance which in any manner or under any guise seeks to impose or subject him to any such tax, fee or penalty have any force or effect, save and except that all such products shall, in common with similar products offered for sale by persons who are not the producers thereof, be subject to inspection; but no municipal ordinance providing for such inspection shall be valid unless it applies, in precisely the same manner and on precisely the same terms, to others offering similar products for sale.

3750. It shall be the duty of any person carrying on the business of slaughtering such animals to notify the nearest inspector of the location of his slaughter-house or slaughter-pen, and of the time when it is proposed to slaughter any such animals, and no animal shall be slaughtered until it shall have been inspected and certified to by the inspector as being the property of the person slaughtering it or causing it to be slaughtered, or that he is authorized to slaughter it. The board shall prepare these certificates in blank, and the inspector shall keep a copy of each certificate issued, in a book which shall be open at all times to public inspection and examination. When such animal, so inspected and certified to, has been slaughtered, the inspector shall inspect the hide of such animal, and shall

tag the same, on the left side of the neck, with a tag seal to be furnished by the board. For each animal and hide so inspected the butcher shall pay the inspector, at the time the hide is inspected and before it is tagged, the sum of ten cents, which shall be full payment for inspecting the live animal and inspecting and tagging the hide.

3751. 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 misdemeanor.

3752. 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 chapter, and the possession of such untagged hide 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.

3753. Every person who shall carry on the business of butchering or slaughtering of horned cattle or swine in this state 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. Every 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 in a sum not less than ten nor more than one hundred dollars for every day he shall have failed to comply with this section.

3754. It shall be unlawful for any person or common carrier to receive for transportation any hides until the same shall have been inspected and tagged as provided in this chapter. 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 and not more than five hundred dollars.

3755. Every person, firm, association or corporation owning range horses, mules, asses or neat cattle, sheep or goats in this state may design and adopt a brand and earmark with which to brand and mark their animals. No two or more brands of the same design or figure, and no two or more earmarks of the same kind, shall be adopted or recorded. The right to use for branding and marking range animals a brand or earmark designed and adopted as herein provided, and which shall have been recorded as herein-after in this chapter prescribed, shall be deemed to be the property of the person so designing and adopting and recording the same, and such right may be sold and transferred. No sale, transfer or encumbrance of the right to use such brand or mark shall be valid, however, except it be evidenced by a written bill of sale, duly signed and acknowledged as deeds for the conveyance of real estate are required to be acknowledged, and recorded in the office of the secretary of the live stock sanitary board.

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have either strayed or have been driven from a foreign country or state into this state, the ownership thereof may be shown by the marks or brands thereupon, 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 or state and were driven into this state, and were stolen in this state, shall be immaterial, in all cases where the allegation of the indictment or information is that they were stolen in the county where the indictment is found, or the information filed.

3761. 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, kinds and sexes of the mule kind.

3762. Upon the sale, alienation or transfer of any range horses, mules, asses or neat cattle by any person in this state, the actual delivery of such animal 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 to take the same; 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 state, the possession under claim of ownership by purchase of such animal by the accused, under any law of this state, without his having a full 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.

3763. Whenever any live stock branded with any brand not duly recorded as provided by the provisions of this chapter, shall be found at large upon any range in this state, the same shall be reported to the said board by a duly authorized inspector and detective therefor, and shall be considered as unclaimed live stock, and shall be disposed of as now provided by law for the disposition of unclaimed live stock.

3764. 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 a list of the mark and brands authorized to be handled and authorizing the person or persons named therein 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 and otherwise handle any such animals in the brands and marks 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 brand or mark shall be unlawfully taken, gathered, driven or otherwise 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.

3765. It shall be unlawful for any person, without the consent of the owner thereof, on any range in this state, to rope or throw or maim any range animal, and any person upon conviction thereof shall be deemed guilty of a misdemeanor.

3766. Every 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 state, with a mark or brand that has not been recorded under the provisions of this chapter, 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.

3767. 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 lawfully in charge, and every person convicted thereof shall be guilty of a misdemeanor.

3768. Hereafter it shall be the duty of all railroad companies in this state to require all section foremen, or persons discharging like duties, 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. And be it further provided that each engineer shall be required 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. And be it further provided, that the report of the engineer and the record of the section foreman, or person discharging like duties, as heretofore provided, shall be posted on Monday of each week at the section house or station house nearest where the accident occurred, and such report and record shall be kept posted for a period of thirty days.

3769. Every railroad corporation, in 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, and such opening to be at least sixty feet wide, with cattleguards at each end, and fences run to guards so as to prevent cattle going onto the enclosed track.

3770. 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 cattleguards and wing fences on either side of said openings, sufficient to prevent any cattle entering upon the said right of way so enclosed.

3771. Such railroad company, lessee, person or corporation operating any railroad shall leave unfenced any places wherein the said railroad runs over any trestles or bridges that are sufficiently high for cattle to go under the same.

3772. Any railroad company, lessee, person or corporation operating any railroad in this state violating any of the 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.

3773. 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, 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 a way as the inspector shall direct.

3774. 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.

3775. Any person violating any of the provisions of this chapter, 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 chapter 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.

3776. It shall be the duty of the county attorney of the proper county to prosecute on behalf of the state all criminal cases arising under this chapter.

3777. 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.

3778. Range live stock 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 the same brand; provided, that if the owner of any brand shall sell any number of cattle less than the entire number 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 live stock in any such brand.

3779. In all cases where the live stock of any person is injured or killed by locomotive or cars of any portion of the line of any railroad company within this state unfenced by good and sufficient fence or other barrier sufficient to turn live stock, the company or corporation running such locomotive or cars shall be liable in damage therefor to the owner of such live stock, to be recovered in any court of competent jurisdiction within this state, unless it be shown on the trial of any action instituted for the recovery of such damages that the owner 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 chapter 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.

3780. Every railroad corporation or company operating any railroad or branch thereof within the limits of this state 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.

3781. 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 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 the reason of such act, and shall be punished as provided in the penal code for felony.

3782. Nothing in this chapter shall be construed to apply to a disease common to sheep, known as scab or scabies, or in any way alter or modify the laws heretofore enacted in this state for the management and control of the same; and nothing in this chapter requiring the inspection of marks and brands before sale, removal or shipment of live stock, or providing for the seizure and sale of live stock shall be construed to apply to sheep and goats; and the word "brand" in this chapter shall not be construed to mean or include wool brands on sheep or goats; and the provisions for the inspection of hides shall not be construed to mean or include sheep or goat pelts, or to restrict the sale or shipment of the same.

CHAPTER II. SHEEP AND GOATS.

3783. Three qualified electors, who are bona fide sheep owners of the State of Arizona, shall be appointed by the governor, with the advice and consent of the state senate, who shall constitute the sheep sanitary commission.

3784. Before entering upon the duties of his office, each appointee to such commission shall take and subscribe the oath of office according to law, and file the same with the secretary of state; and he shall also, before entering upon the performance of his duties, 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 state. The term of office of the members of said commission shall be two years, and until their successors are appointed and qualified. The governor shall have power to fill vacancies in said commission.

3785. The commission shall convene at Phoenix at least once a year, or as frequently as it may deem necessary, and shall organize by electing one of its members as chairman. It may also appoint some competent person as secretary, who shall keep a full and complete record of proceedings, and the manner of the transaction of its business and the duties of its officers shall be prescribed by the commission.

Members of the commission shall be allowed all expenses necessarily incurred while discharging the duties required of them in this chapter, the claims for which, properly verified and accompanied by vouchers, shall be audited and allowed as in other cases, and all such claims shall, before filing in the state auditor's office, be certified by the chairman of the commission.

3786. The commission shall exercise a general supervision over, and do and cause to be done 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 it may deem 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 or goats.

3787. The said commission shall have the power to employ such persons and purchase such supplies and materials as may be necessary to carry into full effect all orders, rules or regulations by it made as herein provided. The commission shall cause to be kept in a safe place a permanent record of its own acts, all official reports and correspondence relating to the official business of the commission, and for this purpose it may incur such reasonable expense as may be necessary, but during the first year of service the salary of the secretary shall not exceed fifty dollars per month, and thereafter it shall not exceed seventy-five dollars per month. But all of the expenditures of said commission for any and all purposes shall not exceed the sum of thirty-five hundred dollars in any one year.

3788. It shall be a part of the duties of the state veterinarian, appointed under the provisions of the preceding chapter, to assist, advise and co-operate with the sheep sanitary commission at such times and in such manner as they may mutually agree upon in carrying out the orders, rules and regulations of said commission for the control and eradication of contagious and infectious diseases among sheep and goats.

3789. The commission shall from time to time appoint such inspectors as it may deem necessary, and shall require such inspectors to execute a bond payable to the State of Arizona, in the sum of five hundred dollars, with two good and sufficient sureties to be approved by the commission, and any person who may have been damaged or injured by the unauthorized act or acts of such inspector shall have a right of action against the principal and sureties in said bond.

3790. It shall be the duty of the inspectors appointed by the said commission to carry out all lawful orders, rules and regulations of the said commission, and to inspect any or all sheep or goats at such times as they may deem necessary, and whenever they shall find any such sheep or goats affected with scab or scabies, or any other contagious or infectious disease, they shall notify the owner, or party in charge thereof, that such sheep are infected or exposed, directing that such sheep or goats must be doctored or dipped at such times and places and in such manner as they may specify, and said inspector shall designate and limit the range to be occupied and the route to be traversed by such sheep or goats until dipped, doctored and cured of such disease, and if such owner or party in charge of such sheep or goats shall fail, neglect or refuse to carry out the directions of such inspector, said inspector shall take such sheep or goats 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 or goats shall be liable to said inspector for all necessary and reasonable expenses, costs and charges incurred in curing

such sheep or goats, including a compensation of five dollars per day to such inspector for every day and part of a day in which he shall be necessarily employed in guarding said sheep or goats until they are officially released.

3791. Whenever on examination of any herd or band of sheep or goats within this state said inspector shall find such sheep or goats, or any part of them, infected or exposed to any infectious or contagious disease, 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 or goats shall immediately proceed to treat such sheep or goats for the cure of such disease, according to directions of said inspector, and any person who shall refuse or neglect to immediately observe such directions, as provided in this section, or the preceding sections of this chapter, shall be guilty of a misdemeanor, to be punished on conviction by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars.

3792. All legal fees, charges and expenses of inspectors under this chapter 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 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 or expenses upon the completion of such inspection or treatment as provided in this chapter, such inspector may recover such fees, charges and expenses from the owner or owners of such sheep or goats by an action in any court of competent jurisdiction, or he may seize and hold such sheep or goats 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 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.

3793. It shall be the duty of any owner or person in charge of any sheep or goats who discovers, suspects or has reason to believe that any sheep or goats owned or in charge of himself or others are infected with any contagious or infectious disease to immediately notify a member of the sheep sanitary commission, the state veterinarian, or an inspector of such fact, belief or suspicion, 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 deemed a misdemeanor, and upon conviction shall be punishable by a fine of not less than one hundred dollars and not more than two hundred and fifty dollars.

3794. 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 provided in section 8 (Par. 3790) of this chapter, until such time as they may be safely dipped, and any sheep or goats so held or run shall be restrained and quarantined as to incur the least practicable damage to the sheep, and expense or hardship to the owner.

3795. All dipping of sheep or goats done under the supervision of any inspector shall be in accordance with the rules and regulations established,

or which may be established from time to time by the Secretary of Agriculture of the United States, and no diseased, infected or exposed band of sheep or goats shall be released by such inspector until they are pronounced cured and clean. The inspectors are also empowered to require any and all corrals or places of close confinement of infected sheep or goats to be disinfected, moved or destroyed in such manner as they may prescribe.

3796. The inspectors of the Bureau of Animal Industry of the United States are hereby given authority, and may exercise all rights and authority given under this chapter to inspectors appointed by the sheep sanitary commission.

3797. The sheep sanitary commission is hereby empowered to establish, define and declare any district within this state wherein such sheep or goats are found, or have recently been grazed or driven, to be an infected district, and all sheep or goats thereon or subsequent to such infection to be exposed to such disease or infection, and may order such sheep or goats to be handled, moved, dipped, doctored, cured or disinfected under quarantine regulations provided for in previous sections of this chapter; provided, that any sheep in the State of Arizona that have only been exposed to the infection of scab or scabies will be dipped but once under regulations and supervision of an inspector.

3798. It shall be the duty of any person in charge of, or having the custody or control of any buck herd to notify the state veterinarian during the first week of July of each year, giving the location of said herd.

3799. Any person, company, corporation or association desiring to move his or their sheep which are not sound, or which are infected with scab or any infectious or contagious disease, or which have been exposed in any manner to any such disease, shall obtain from a member of the commission, state veterinarian or an inspector a trailing permit in writing, but such permit shall 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 such official shall designate. No such sheep shall be moved until such permit shall have been obtained. Any person, company, corporation or association who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and any party injured or damaged by reason of the moving of said sheep shall be entitled to recover from said person, company, corporation or association by civil action the amount of damage that said party may have sustained by reason thereof.

3800. The owner, or his agent or employee, owning or having in charge any flock of sheep or goats about to be inspected, shall afford the inspector all reasonable facilities for making his inspection; and for every violation of any of the provisions of this chapter said owner or his agent or his employees shall be fined not less than ten dollars nor more than three hundred dollars, and every separate day's offense shall constitute a separate offense, and the written report of any offense made by an inspector under oath shall be prima facie evidence of the commission of said offense, and any justice of the peace of the county in which the offense is committed shall have jurisdiction thereof, and the inspector shall report all violations of the provisions of this chapter of which he has knowledge to the commission.

3801. It shall be the duty of this commission to 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.

3802. 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. If any person shall

violate the provisions of this section he shall, upon conviction thereof, be punished by imprisonment in a county jail for a term of not exceeding sixty days or a fine of not less than five hundred nor more than one thousand dollars, or by both.

3803. Except as otherwise provided in this chapter, every person, persons, firm, corporation, owner or agent who shall violate, disregard or evade any of the provisions of this chapter, 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 commission establishing and governing quarantine, shall be deemed guilty of a misdemeanor; and every person, persons, firm, association, corporation, owner or agent who shall 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 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 this chapter.

3804. Said inspectors shall have such powers of arrest as are conferred upon the sheriff for the arrest of persons violating any of the provisions of this chapter, and shall promptly report to the proper peace officers all misdemeanors committed under this chapter.

3805. It shall be the duty of the county attorney of the proper county to prosecute on behalf of the state all criminal cases arising under this chapter.

3806. It shall be the duty of the attorney general at all times to advise with said commission whenever called on to give opinions in writing in response to requests by the said commission.

3807. Inspectors appointed by this commission, while acting in the discharge of official duties, shall receive not to exceed five dollars per day, to be determined by said commission to be paid out of funds hereinafter provided; provided, that where said inspector is receiving per diem from owner of quarantined sheep under the provisions of section 8 (Par. 3790), he shall receive no other remuneration.

3808. A sum not exceeding three thousand five hundred dollars is hereby appropriated annually for the purpose of carrying out the provisions of this chapter, and the state auditor is hereby authorized and directed to draw his warrant in payment of claims arising under the provisions hereof, upon the general fund, and the state treasurer is hereby authorized to pay the same.

CHAPTER III. ESTRAYS.

3809. No one shall take up any stray horse, mule, neat animal, sheep or swine who shall not find the stray animal within an enclosure possessed by him.

3810. Any one taking up an stray shall immediately forward to the nearest justice of the peace, and to the nearest cattle inspector, a full description of the animal taken up, and of each, if more than one be taken up at the same time, giving its kind, age, sex, color, together with all marks and brands, if any, when, where and by whom it was taken up and where it can be seen.

3811. Any one who shall take up an animal shall, during the time it is in his possession as an stray, properly feed and care for the same, but shall not use the same.

On receipt of such description by said officers, it shall be the duty of each to post the same in a conspicuous place in their respective offices, and to keep the same posted for at least thirty days; and the inspector shall enter in a book to be kept for that purpose the information contained in the description so received by him, which book shall, at all reasonable hours, be open to the inspection of the public.

3812. The taker-up of an estray animal shall transmit with his description twenty-five cents to the inspector as his fee for entering the description in the book kept for that purpose.

3813. On the receipt of said description and fee the stock inspector shall at once institute an examination to discover the owner of the estray, and should he succeed in this, to at once advise the owner that his animal, describing it, has been taken up as an estray, and by whom and where it can be found. The taker-up of an estray shall, at any time before its sale, deliver the same to its owner on demand and payment to the taker-up of the actual cost the animal has been to him in fees paid and in feeding the animal.

3814. At the expiration of twenty days next after the taking up of an estray, if the owner thereof has not been discovered and he has not paid, or tendered, the amount due thereon and demanded its return, the taker-up shall file with the nearest justice of the peace to the place where the animal was taken up an affidavit showing his right to take up the animal, its description, together with a full compliance with the foregoing provisions, whereupon the justice shall appoint three competent and disinterested persons to appraise the value of the estray, and the actual cost of its care, and return their appraisement to said justice, who shall enter in a book kept by him for that purpose a minute of the filing of the affidavit, the appointment of the appraisers, their names and their returns. He shall designate a time and place where said estray shall be exposed for sale at public vendue, and the constable or sheriff of the county who shall conduct the sale, and shall issue an order to the officer named to advertise the animal and sell it. He shall also designate a newspaper in which said sale shall be advertised; and said sale shall be advertised by the officer in the newspaper designated for a period not less than ten days, and said sale shall take place not less than two nor more than five days after the expiration of such advertisement.

3815. No estray shall be sold except for cash and for a sum not less than seventy-five per centum of its appraised value.

3816. The justice shall receive a fee of two dollars for his services, the appraisers shall each receive a fee of one dollar for their services, and the officer shall receive a fee of ten per centum on the amount of the purchase price of the animal. These fees shall be advanced by the taker-up. Fees so collected by the justice of the peace and the constable whose precincts include an incorporated city or town shall be paid into the county treasury.

3817. The officer shall, on receipt of the purchase price, execute to the purchaser a bill of sale of the estray animal, which shall vest in him the title to it, and shall deliver it to the purchaser. He shall thereupon pay to the taker-up of the estray the amount the appraisers found for the care of the estray, together with the amount of fees advanced by him, shall deduct his commission, and the remainder thereof he shall deposit with the county treasurer of the county to the credit of the school fund of the county, taking receipts for each payment made by him. Thereupon he shall make returns of his acts on the order of sale to him issued, together with his vouchers, and the same shall be filed with the justice with the papers in the case.

OFFENSES AGAINST STOCK RAISERS

632. Any person who shall brand or mark or cause to be branded or marked with his brand, or any other brand not the recorded brand of the owner, any animal or animals being the property of another, or who efface, deface, alter or obliterate any brand or mark upon any animals with intent to feloniously convert the same to his own use is guilty of a felony, and shall be punishable by imprisonment in the state prison 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. And in no case shall the payment of the penalty herein mentioned entitle the person so branding, defacing, effacing, altering or obliterating a brand to the property in the animal so branded, or upon which the brand was effaced, defaced, altered or obliterated, but such animal shall be surrendered to the proper owner.

Blevins vs. Territory, 4 Ariz. 326—41 Pac. 442.

633. Any person who shall feloniously steal, take or carry away, or embezzle, or knowingly kill, sell, drive, ride, lead away any neat or horned cattle, horse, sheep, mule, goat, swine or ass, the owner of which is unknown, or any person who shall wilfully and feloniously purchase from anyone not having the lawful right to sell and dispose of the same any neat, horned cattle, horse, mule, sheep, goat, ass or swine is guilty of a felony. But this section shall not apply to any person taking up any of the kinds of animals mentioned in this section under estray laws of this state.

634. Any person who may sell or offer for sale or trade any of the animals mentioned in the preceding section upon which such person has not his recorded brand or for which the person so offering has neither bill of sale nor power of attorney from the owner of such animal or animals authorizing such sale, is guilty of a felony, unless such person on the trial shall establish and prove that he was at the time the actual owner of such animal or animals so sold or traded or offered for sale or trade, or that he acted by direction of one shown and proven to be the actual owner of such animal or animals, and in any prosecution for a violation of this section the fact of such selling, trading or offering for sale or trade contrary to the provisions of this section, when proven, shall be sufficient to authorize a conviction, unless the accused shall by testimony explain the case made by the state in a manner consistent with good faith and innocent purpose.

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

636. When the stock of any resident of the state shall intermix with any drove of animals not the property of any such resident, it shall be the duty of any drover or person in charge to cut out and separate such stock from such 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, either owner, drover or otherwise connected with the management of such drove, who shall neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished

by a fine not exceeding three hundred dollars or by imprisonment in the county jail, or by both such fine and imprisonment.

637. When the stock of any resident of this state shall be driven or driven off its range without the owner's consent by the drover of any herd or drove of any kind of animals, or otherwise engaged in the care or management thereof, shall be deemed guilty of a felony.

638. If any person owning or having charge of any drove of cattle, horses, mules, sheep, goats or hogs shall drive the same into or through any county of this state where the land in such county is occupied by rancher it shall be the duty of such owner or person in charge of such cattle, horse, sheep, mules or hogs to prevent the same from mixing with the cattle, horses, mules, sheep, goats or hogs belonging to such ranchers, and prevent such drove of cattle, horses, mules, sheep, goats or hogs from passing 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; if any owner or person in charge of any such drove of stock shall wilfully injure any resident of this state by driving such drove of stock from the public highway and herding the same on land occupied by settlers in possession of the same, or if he shall negligently allow such stock to wander from the highway and do injury as aforesaid, it shall constitute a misdemeanor, and shall be punished by fine not less than twenty-five dollars nor more than one hundred dollars. But this section shall not apply to persons merely driving or herding across unclosed lands in passing to public grazing lands or to lands owned or possessed by the owner of such drove, if the animals are the property of a resident of this state, and are assessed and taxed therein.

639. It shall be unlawful for any person or persons, firm or corporation owning or having charge of any sheep or goats to herd the same or permit the same to be herded on the land or possessory right to land of other persons, without the express consent of the owners or lawful claimants of such lands, or to herd such sheep or goats or to permit them to graze within one mile of any bona fide ranch, or any such land either owned or lawfully held possessory right, without the express consent of such owner of claim, or within one mile of any settlement, town or city within this state, provided there is no running water or natural tanks of water at which sheep or goats can be watered, and that no transient sheep or goats shall be allowed to camp at any water developed and owned by others. Any person violating any provision of this section is guilty of a misdemeanor.

640. The term "possessory right of land" as used in the preceding section applies to bona fide ranches that are held or owned as a home ranch. The home ranch specified in this section must be recorded in the office of the county recorder of the county wherein said ranch is located before a claim can be made by the owner or owners of said home ranch as provided in this section. Nothing in the preceding section shall be construed to interfere with the herding of sheep or goats at railroad shipping points, or to prevent the driving of sheep over the trails prescribed and laid down by the United States Government by its proper officials.

641. Sheep or goats being moved across cattle ranges shall travel at least three miles each day.

642. Every owner, or person in charge of any such sheep or goats, who shall violate any of the provisions of the three preceding sections shall

guilty of a misdemeanor, and each day shall be a separate and distinct offense.

643. 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 so branded with the distinguishing ranch or road brand of the owner as to show distinctly, in such place or places as the owner may adopt. 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 in charge of any such drove which may be driven into or through this state, who shall fail to comply with the provisions of this section, shall be fined not less than fifty nor more than three hundred dollars.

644. 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, upon conviction, shall be fined not less than fifty nor more than two hundred dollars.

645. Any person who shall gather any range cattle for the purposes of any tournament or contest for amusement or reward or competition for prizes, without the written consent of the owner or owners of such cattle, is guilty of a misdemeanor.

646. It shall be unlawful for any person or persons to engage in any steer-tying contest or exhibition of steer tying within the state.

647. It shall be unlawful for any person to cast, rope or throw any animal of the horse, cow or other kind, either his own property or the property of another; provided, that nothing in this section shall apply to necessary work done on the range or elsewhere in the handling of such animals.

648. Any person or persons violating the provisions of the two preceding sections, or aiding and abetting in the violation thereof, shall be guilty of a misdemeanor.

649. It shall be unlawful for any person or persons knowingly to enter or cause to be entered for competition, or to compete for any purse, prize, premium, stake or sweepstake offered or given by any agricultural or other society or association, or person or persons in the State of Arizona, any horse, mare or gelding, colt or filly under an assumed name or out of its proper class when such prize, purse, premium, stake or sweepstake is to be decided by a contest in a trotting, pacing or running race.

650. Any person or persons found guilty of a violation of the preceding section shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject to the punishment prescribed by law for misdemeanors, and forfeit all winnings in such contest to the school fund of the county in which such contest is held.

AN ACT

To Provide for the Purchase and Sale of Certain Serums for the Treatment of Contagious or Infectious Diseases of Live Stock, and Making a Appropriation Therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. It shall be the duty of the state veterinarian to keep on hand at all times a supply of anti-hog cholera serum, vaccine for blackleg, and other serums for the treatment of infectious or contagious diseases of live stock, and to dispense the same at actual cost to owners of hogs and other live stock in Arizona, whenever he may deem it necessary or advisable to do so, and under such rules and regulations as he may prescribe, to stamp out or prevent outbreaks of any such infectious or contagious diseases.

Section 2. The state veterinarian may, in his discretion, make any board of supervisors in the state a depository for any such serum or vaccine, to be by the said board of supervisors sold or dispensed as herein provided and under such rules as the said state veterinarian may prescribe. Whenever the state veterinarian shall so deposit any of said serum or vaccine, the board of supervisors with which the same is deposited shall give the state veterinarian a receipt therefor, and shall account and be responsible to him for the same or the value thereof, and that the board of supervisors of each county report on January first and July first annually, and as often additionally as he may require, to the state veterinarian.

Section 3. For the purpose of carrying this act into effect there hereby appropriated from the general fund of the state two thousand dollars or so much thereof as may be necessary, and upon the presentation of properly prepared claims for the purchase of any such serum or vaccine, certified to and approved by the state veterinarian, the state auditor is authorized and directed to draw his warrant and the state treasurer is authorized and directed to pay the same.

Section 4. All moneys received by the state veterinarian from the sale of any such serum or vaccine shall be by him returned to the state treasurer and be added to the fund available for the purpose of this act, the purpose being to make said fund perpetual.

RULES AND REGULATIONS

Of the Live Stock Sanitary Board of the State of Arizona

Rule 1. All live stock inspectors are required to be familiar with the live stock laws of the state pertaining to their duties as such inspectors; and their attention is especially directed to the following sections, to-wit:

Section 23. Requiring inspectors to report their official acts to the board. No quarterly or monthly demands for compensation for services will be approved unless such reports have been fully rendered.

Sections 27 and 28. Requiring inspectors and deputy inspectors to file bond and take oath of office before entering upon the discharge of their duties.

Section 29. Forbidding inspectors to engage in live stock commission business.

Sections 32 and 33. Relating to the inspection of rebranded hides or animals, and hides or animals bearing mutilated or illegible brands.

Section 35. Inspectors must not delay shipments unnecessarily.

Section 49. Requiring inspectors and other officers to make reports of all fees and moneys collected.

Section 83. Relating to the manner of making inspections of live stock.

Rule 2. Before any new brand shall be accepted for record and recorded in the State Brand Book, the same shall be published in some newspaper or journal published in the state, for at least two successive weeks, and shall thereafter be held without record in the office of the Live Stock Sanitary Board for at least ten days, pending the filing of any objection to the record of such brand on account of conflict with or infringement upon any previously recorded brand.

QUARANTINE RULES AND REGULATIONS

The following rules and regulations are hereby adopted and prescribed to govern the admission of live stock into the State of Arizona:

1. From and after this date it shall be unlawful for live stock of any class to be transported by rail or boat, shipped, driven or moved in any manner whatever into the State of Arizona from any state or territory or country, except upon the written permission of the state veterinarian, who will be governed by the following rules in issuing permits:

2. Transportation companies should see that health certificates according to Rules 3, 4, 5, 6, 7 and 8 are attached to way-bills of shipments of live stock destined to points in Arizona.

Transportation companies, before entering the state with live stock, must inform the state veterinarian at Phoenix, stating:

- (a) Name of consignor and point of origin of shipment.
- (b) Name of consignee and destination of shipment;
- (c) Whether or not shipment is accompanied by a certificate of health, and if so, by whom signed, **and receive written authority for the admission of same.**

3. All persons desirous of shipping or driving live stock of any class into the State of Arizona should secure at point of origin a certificate of health for the same from the government, state or county veterinarian, according to requirements of following rules, declaring the said animals to be free from all contagious and infectious diseases. A copy of said health certificate should be sent to the state veterinarian at Phoenix as early as possible, and a copy should always be attached to the way-bill accompanying the shipment. (Duplicate blanks for certificates will be furnished on application.)

4. Cattle originating in Colorado, Kansas, Nebraska, Missouri, Oklahoma and Northern Texas will be admitted into Arizona if accompanied by a health certificate signed by a government or state veterinarian only, who is familiar with conditions at point of origin of same, certifying that they are free from all contagious diseases, including cattle scabies, or mange. Cattle offered from said districts not accompanied by such certificate will be inspected by the state veterinarian at point of entry to the state, and treated or quarantined, as the exigencies of the case require, until free from infection. The legal mileage of the veterinarian to inspect such stock must be paid by the owner of the same.

5. A regular certificate of health for shipments of dairy and breeding cattle is all that is required for admission, but a certificate stating that they have passed the tuberculin test is preferred, and the board reserves the right to test such shipments when not accompanied by the tuberculin test certificate, at owner's expense, on arrival at destination.

6. Horses, mules, etc., will be admitted to the state upon presentation of a certificate signed by a government, state or county veterinarian, or any graduate veterinarian, certifying that they are free from all contagious diseases.

7. All classes of sheep will be admitted to the state if accompanied by certificate signed by an inspector of the U. S. Bureau of Animal Industry.

8. Railroad and express companies are hereby notified that all shipments of swine, except those for immediate slaughter, destined for points in the state must not only be accompanied by certificate of health, but, in addition, be examined by the state veterinarian. Such importations must be kept entirely separate from native swine by the owner until he receives from the state veterinarian written notices that they are free from infection that might have been contracted in transit.

9. All importations of live stock from the Republic of Mexico, shipped or driven directly into Arizona, will be admitted on certificate of United States Government veterinarian, except cattle entering at points where splenic fever has been reported recently. At such points the board reserves the right to inspect and place in temporary quarantine, if necessary, importations of cattle destined to points in Arizona.

10. When application is made for the admission of live stock into the state, not accompanied by proper health certificate, the state veterinarian may inspect said stock at point of entry into the state before issuing such

permit, and the owner of said stock shall pay the state veterinarian his legal mileage to make such inspection.

11. Stock may be shipped through Arizona, when not unloaded, whether accompanied by a certificate of health or not, but if unloaded in the state, the board reserves the right to designate what corrals shall be used for stock not accompanied by health certificate.

Cattle Originating South of the United States Quarantine Line

12. The Live Stock Sanitary Board adopts the regulations made by the U. S. Department of Agriculture governing the handling of cattle originating south of the United States quarantine line established from time to time, in addition to the following rules:

13. Cattle from below the United States quarantine line may enter Arizona to pass through by rail without certificate or bill of health, provided that such shipments are reported to the state veterinarian and are not unloaded in the state, except in quarantine corrals for the purpose of feeding and watering, for a period not exceeding twenty-four hours.

14. Cattle from points in the United States south of the United States quarantine line will be admitted by rail, for immediate slaughter, in Arizona, provided they are consigned to parties who have built special quarantine slaughter pens immediately adjoining the railroad, in accordance with the regulations of the U. S. Department of Agriculture and the special rules of the Live Stock Sanitary Board

(Special rules of board furnished on application.)

15. All cars carrying cattle from the quarantine area shall bear on both sides printed manila placards not less than 5½ by 8 inches in size, the letters of which shall be plain and not less than 1½ inches in height, to be affixed by the railroad company hauling the same, stating that said cars contain "Southern Cattle"; and each of the way-bills, conductor's manifests and bills of lading of said shipments by cars or boats shall have a note plainly written or stamped upon its face with a similar statement. The placards shall state the name of the place from which the shipment was made, with the date and the name of the place of destination; said date must correspond with the date of the way-bill and other papers. Whenever any cattle have come from said area and shall be reshipped from any point at which they have been unloaded to other points of destination, or are transferred to another transportation company, the cars carrying said animals shall bear on both sides similar placards with like statements, and the way-bills, conductor's manifests, or bills of lading of said shipment by cars or boats shall be so marked. At whatever point these cattle are unloaded, they must be placed in separate pens, to which no other cattle shall be admitted without the written order of the state veterinarian. This applies especially to instances where cattle are unloaded in other than quarantine corrals on account of accident or delay. Such instances must be reported immediately to the state veterinarian.

16. The cars and boats used to transport such animals, the chutes, alley-ways and pens used during transportation and at points of destination shall be disinfected, when ordered, in the following manner:

(a) Remove all litter and manure. This litter and manure may be dis-

infected by mixing it with lime or saturating it with a 5 per cent solution of 100 per cent carbolic acid; or it may be thoroughly burned.

(b) Wash the cars and the watering and feeding troughs with water until clean.

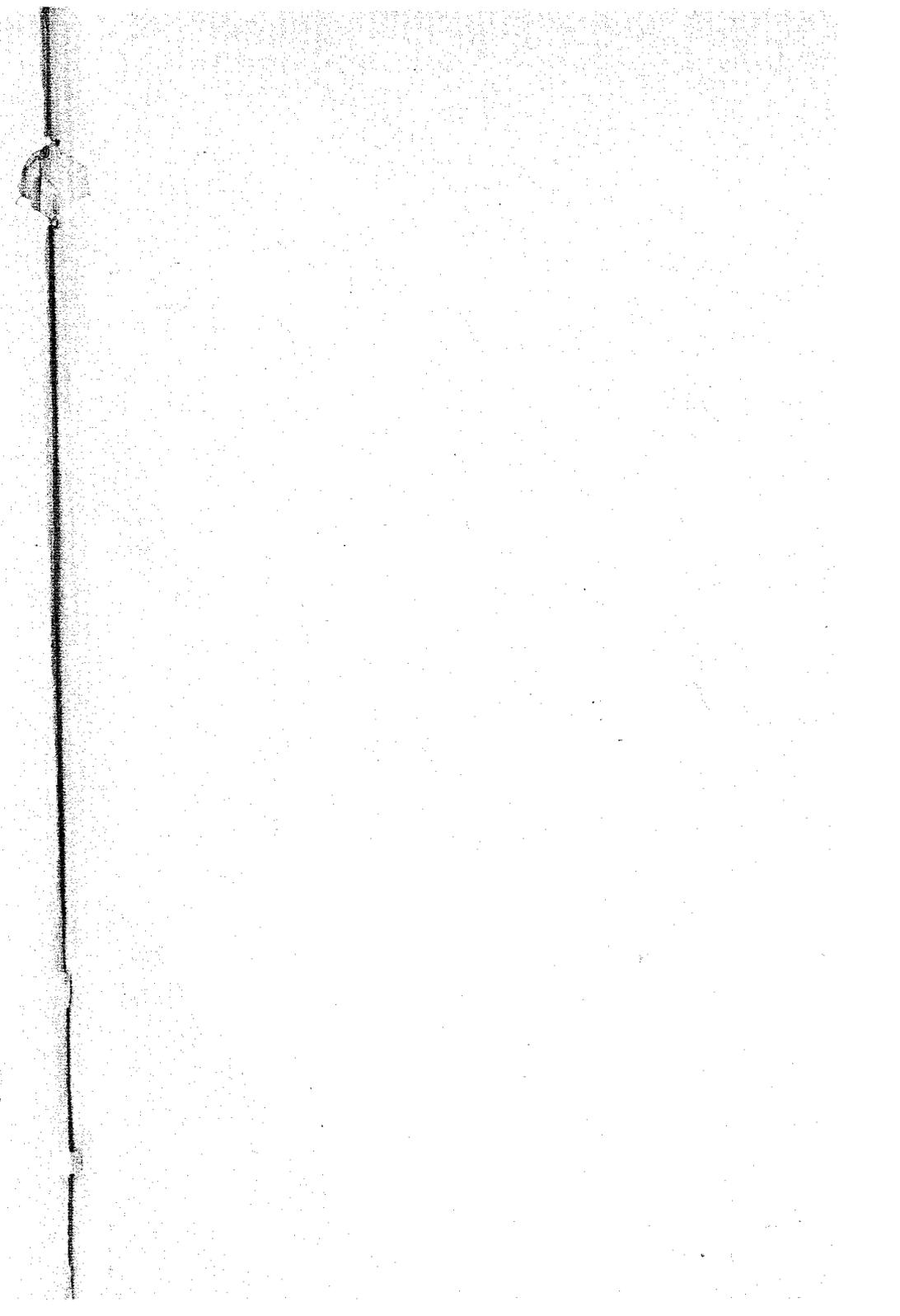
(c) Saturate the entire interior surface of the cars, including the inner surface of the doors, and the fencing, troughs, chutes and floors of the pen with a mixture made of $1\frac{1}{2}$ pounds of lime and $\frac{1}{4}$ pound of 100 per cent carbolic acid in each gallon of water, or a solution made by dissolving ounces of chloride of lime to each gallon of water may be used.

17. Cars used within the quarantine district for the transportation of southern cattle must not be brought into the State of Arizona for use transporting either live stock or merchandise unless they have been previously disinfected according to Section "C" of Rule 16; except when loaded with cattle in course of transportation in accordance with these regulations.

Violation or evasion of any of the foregoing Rules and Regulations will be subject to penalty as provided in Act 51 of the Twenty-third Legislative Assembly of the Territory of Arizona.

Superintendents of railroads will report as early as possible all shipments of live stock in transit into or through the state, as directed here and they will be given proper directions as to handling the shipment; thus avoiding delays and unnecessary expense.

All inspectors at various shipping points in Arizona are required to familiarize themselves with the foregoing Rules and Regulations, and report any violation of same.



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