

SELECTED LAWS THAT MAY BE INCLUDED IN A
COURSE OF VOCATIONAL AGRICULTURE

By

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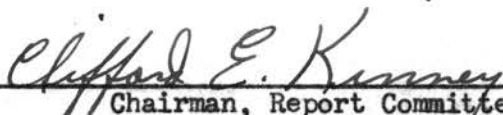
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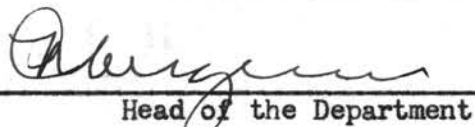
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INTRODUCTION

This digest or compilation of provisions of the Oklahoma Statute Law is thought to contain the more important features of the laws affecting farmers in their every day lives. The topics are clothed in plain language, and can be readily understood by all. This report does not contain, nor is it intended that it include all the laws of the State. It will not have the effect of making "every farmer his own lawyer," and will not take the place of a lawyer, but will afford to the ones concerned general information concerning the rights, privileges and immunities guaranteed to them by law, and the remedies by which wrongs may be redressed.

The information in this report has been developed to aid vocational agriculture instructors and their co-workers in teaching all day students, young farmer and adult farmer classes.

The information in this report and the content of the teaching plans were obtained through the study of Oklahoma Statutes, 1941, 1949, and 1950. The material found in the Oklahoma Statutes was condensed and simplified in order that it might be more easily understood. A lesson plan was made for each individual chapter.

A liberal education is not complete without some knowledge of the law, and if this report should be the means of adding something to the store of knowledge of those concerned, the time spent will not have been in vain.

A plan for the presentation of the report was worked out under the supervision of Professor Clifford E. Kinney of the Department of Agricultural Education.

PURPOSE OF THE STUDY

The purpose of this study was to secure information on farm law suitable for vocational agriculture teachers to use in teaching all day students, young farmer and adult farmer classes in Oklahoma. The agricultural industry has developed until there is no occupation that has a larger number of legal contacts.

With a better understanding among farm people of the common farm laws in Oklahoma unnecessary law suits would be reduced. It was not the purpose of this study to help make lawyers out of everybody. Farmers, vocational agriculture teachers, and other people connected with farming need a source of information concerning the most important laws without having to hunt through the large volumes of the Oklahoma Statutes, which are bundlesome and hard to understand.

An available digest or compilation of farm laws in Oklahoma which directly affect farmers could not be found by the writer. Therefore, a study of this problem was selected and the digest prepared.

Another purpose of this study was to secure information so that the writer himself might use it in his own vocational agriculture teaching program.

METHOD OF PROCEDURE

In preparing this report, it was first necessary to find the best sources of information which would make the greatest contribution to the study. Some process for delimiting the laws and the material within the laws was necessary. The writer listed all the laws pertaining to farming and read over each law. From the study of the laws, the writer attempted to select the most important laws which affect farmers and farming. Then it was necessary to simplify and condense the laws in such a way that they would still retain their meaning. Some of the laws pertained to such a small per cent of the farmers that they were omitted. Some of the information within the laws was repetition and other parts did not pertain to farmers.

It was necessary to prepare an organized plan for teaching each unit, therefore, a problem plan was made for each chapter. Each problem plan shows the year taught, month, periods required to teach, problem, purpose of the law, and references where information can be secured.

The main sources of information used were the Oklahoma Statutes and Law On The Farm.¹ The last Supplement to the Oklahoma Statutes was in 1950. All the laws in this study were brought up to this date.

1 Hannah, Harold W., Law On The Farm

IV. Presentation of Problem Plans

Problem plans were prepared for each of the major laws affecting farmers in Oklahoma. These may be found on pages 4 and ending on page 135. These problem plans were made to aid vocational agriculture teachers in instructing all day students, young farmer and adult farmer classes.

The problem plans are found on the first page of each chapter to which they pertain. Answers to the pivotal points can be found in the material following each plan.

Methods are listed with each plan that can be used effectively in teaching farm laws. There are also references listed to assist the teacher in securing additional information. The contents of the problem plans were based upon information found in the Oklahoma Statutes and Law On The Farm by Harold W. Hannah.

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1

PROBLEM: Property and its legal possession

- PURPOSE:
1. Each student should have an understanding of property and the easements which a renter is entitled.
 2. To understand the importance of a written agreement when fixing property to someone else's land.

PIVOTAL POINTS:

1. What is property?
2. Give illustrations of property?
3. What is real property?
4. When is property considered fixed to land?
5. How is property acquired?
6. Under what conditions can a person who affixed his property to the owner's land remove his property?
7. What does easements in regard to land mean?
8. Name some easements a person has on another person's land if he has it rented?
9. Explain the ownership of water in regard to the farm.
10. What is the ruling on trees that stand partly on another place?
11. Do you know of any trouble over ownership of property?

METHOD: Supervised study, discussion, field trip

REFERENCES: Oklahoma Statutes, 1941, pp. 1828-58

NATURE OF PROPERTY

The ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others. Anything of which there may be ownership is called property. There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of all products of skill or labor, the good will of a business; trade-marks, and of rights created or granted by statute. Property is real or immovable, personal or movable. Real property consists of land and that which is affixed to land. A thing is deemed to be affixed to land when it is attached to it by roots, as in case of trees, vines or shrubs, or imbedded in it, as in the case of walls, or permanently resting upon it, as in the case of buildings, or permanently attached to what is thus permanent, as by means of cement, plaster, nails or screws. Property is acquired by occupancy, accession, transfer, will or descent.

LAND FIXTURES--TENANTS

When a person affixes his property to the land of another without an agreement permitting him to remove it, the thing affixed belongs to the owner of the land unless he chooses to require the former to remove it, but a tenant may remove from leased premises any time during the continuance of the term anything affixed thereto, for the purpose of trade, manufacture, ornament, or domestic use, if the removal can be effected without injury to the premises, unless the thing has, by the manner in which it is affixed, become an integral part of the premises.

The following land burdens or servitudes upon land, may be attached to other land as incidentals, and are then called easements:

1. The right of pasture.
2. The right of fishing.

3. The right of taking game.
4. The right of way.
5. The right of taking water, wood, minerals and other things.
6. The right of transacting business upon land.
7. The right of conducting lawful sports upon land.
8. The right of receiving air, light or heat from or over, or discharging the same upon or over land.
9. The right of receiving water from or discharging the same upon land.
10. The right of flooding land.
11. The right of having water flow without diminution or disturbance of any kind.
12. The right of using a wall as a party wall.
13. The right of receiving more than natural support from adjacent land or things affixed thereto.
14. The right of having the whole of a division fence maintained by a coterminous owner.
15. The right of having public conveyances stopped, or of stopping the same on land.
16. The right of a seat in church.
17. The right of burial.

The owner of the land owns water standing thereon, or flowing over or under its surface, but not forming a definite stream. Water running in a definite stream, formed by nature over or under the surface, may be used by him as long as it remains there; but he may not prevent the natural flow of the stream, or of the natural spring from which it commences its definite course, nor pursue nor pollute the same.

Trees whose trunks stand wholly upon the land of one owner, belong exclusively to him, although their roots grow into the land of another. Trees whose trunks stand partly on the land of two or more coterminous owners belong to them in common. ¹

¹ Oklahoma Statutes, 1941, pp. 1828-58

PROBLEM PLAN

- YEAR TAUGHT: Agri. III MONTH: January PERIOD: $\frac{1}{2}$
- PROBLEM: Understand abstracts and their importance
- PURPOSE:
1. To get the pupils to understand what an abstract is.
 2. To get the pupils to recognize the importance of abstracts.
- PIVOTAL POINTS:
1. What is an abstract?
 2. If a person buys a farm why should he want an abstract?
 3. Who prepares an abstract?
 4. Who pays for an abstract - the person who buys a farm or the person who sells a farm?
 5. How may one tell if an abstract is true and complete?
 6. What kind of sales or purchases require abstracts?
 7. Who may engage in the business of abstracting?
 8. Why does an abstracter have to file a bond with the county clerk?
 9. Who issues a certificate of authority to an abstracter?
 10. What are the three steps necessary to clear a title of land?
- METHOD: Supervised study, discussion
- REFERENCES: Oklahoma Statutes, 1941, pp. 117-20
Hannah, Harold W., Law On The Farm, pp. 67-69

ABSTRACTS AND ABSTRACTING

It shall be unlawful for any person, firm or corporation to hold themselves out as abstracters and engage in the business of making abstracts of title to real estate without first having executed and filed with the county clerk of the county in which the business is conducted, a bond to be approved by the Board of County Commissioners of said county with three or more good and sufficient sureties residing in the county and worth not less than double the amount of the bond, over and above all debts, liabilities and exemptions, in the sum of five thousand dollars, conditioned, that he properly demean himself in the business of abstracting and repay all damages that may accrue to any person by reason of any incompleteness, imperfections, or error in any abstract furnished by him, and will in no way mutilate, deface or destroy any of the records of the several counties to which he may have access; and that he will not in any way interfere with, hinder or delay the several county officers in the discharge of their duties while using said records in the prosecution of said business of abstracting.

It shall be the duty of the county clerk, after the bond of an abstracter has been filed or approved to issue to such abstracter, on demand, a certificate of authority in writing under his hand and official seal, to make abstracts. It is made the duty of any abstracter holding such certificate to furnish an abstract of the title to any tract of land in the county when required so to do and upon payment of the fees therefor.

Any person, firm or corporation, who shall hold themselves out as abstracters and engage in the business of abstracting without having first complied with the law with reference thereto, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding one thousand dollars for each offense.

Abstracters are not permitted to charge fees greater than the following: For the first entry or transfer, seventy-five cents; for each subsequent entry or transfer, thirty-five cents; for entry of certificate relating to mechanics liens, fifteen cents; for certificates as to judgments which may constitute a lien, thirty-five cents; and fifteen cents for each name certified to. ¹

An abstract of title is no more than a memorandum of each deed, judgement, execution, sale, or other legal instrument touching the property in question. Its purpose is to trace the claim of ownership from the time it was first conveyed (probably by government patent) to the seller, and disclose any irregularities or defects which may exist. The ability of an abstract company to do this depends upon the records in the county. All court proceedings and dispositions of property by will or descent are on record with the clerk of the proper court or the county recorder. All voluntary transfers, such as deeds, mortgages, or conveyances in trust, are recorded in volumes kept for the purpose in the recorder's office and are open for inspection.

Instruments are recorded by taking them to the recorder's office, where they are entered in the proper volume and are appropriately indexed. Running a title back is often an exacting and painstaking task. Since the preservation of a reliable record on property is such an important thing, many people wonder why it cannot be made an official duty, so that titles can be kept up to date, and so an abstract might be secured for a nominal sum. The heavy fees for procuring an abstract often represent a large percentage of the total cost of small properties.

Abstracts are not guarantees of title--they are merely chronological

¹ Oklahoma Statutes, 1941, pp. 117-20

records of instruments affecting title. To determine whether or not one has a "merchantable title" (one ordinarily acceptable by purchasers of land) it is necessary that an examination of the abstract and of other records be made by a person competent to weigh and analyze the sufficiency of the various instruments.

From the foregoing it appears that three steps are necessary to clear the title to land:

- a. Procure an up-to-date abstract.
- b. Cause a thorough examination of title to be made.
- c. Take any steps necessary to settle claims or perfect faults disclosed by the title examination. ²

2. Hannah, Harold W., Law On The Farm, pp. 67-69

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Understanding the nature and purpose of deeds.

PURPOSE: 1. To understand the different kinds of deeds and the purpose of each kind.

PIVOTAL POINTS:

1. What is a warranty deed?
2. Why is it important to understand a deed when buying property?
3. What are the legal requirements of a warranty deed?
4. Who is allowed to execute a deed?
5. What is a deed of support?
6. What is a quitclaim deed?
7. What is the disadvantage of a quitclaim deed?
8. When does a quitclaim deed convey a clear title?
9. What is a trust deed?
10. When is a trust deed usually used?
11. What is the principle difference in a trust deed and a mortgage?
12. What are the requirements of a trust deed?
13. How may one know that a deed to a farm is good and that no one else has a claim on the property?

METHOD: Supervised study, discussion, conference
Illustration and application of different types of property transfer.

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 61-63
Ibid., pp. 63-64
Ibid., p. 65

WARRANTY DEEDS

The security enjoyed by an owner of land depends primarily upon two things: the rights which others possess in his land and the guarantee he has from the prior owner. A warranty deed is an instrument of conveyance for real estate in which the seller guarantees to the buyer that the latter will not be disturbed in his possession because of any legal claims existing in the seller's chain of title. For example, if after purchasing land under a warranty deed the buyer finds that a prior tax assessment has not been paid or that the widow of a former owner did not relinquish her dower interest, he has a right against his seller for any expense incurred in satisfying these claims.

Generally the language "conveys and warrants" or similar words are sufficient, together with other legal requirements, to make the instrument a warranty deed. Warranty deeds must be recorded to be effective against third persons. Also to divest completely the dower and homestead interest of husband or wife, deeds must be signed and acknowledged by the other spouse. The bare legal requirements of a warranty deed are:

- a. It must be in writing.
- b. The parties must be designated and competent.
- c. The property must be adequately described, preferably by a legal description.
- d. Consideration must be stated.
- e. Words of conveyance and warranty must be used.
- f. Exceptions or conditions, if any, should be clearly stated (if the property is being sold subject to an existing mortgage, for example).
- g. Dower and homestead should be properly waived.
- h. The parties must sign.
- i. The instrument must be sealed. This requirement can generally be

satisfied by a mark made in the place of a seal.

Delivery is essential to the validity and effectiveness of a deed. The delivery required, however, ranges from actual manual handing over to merely saying "the deed is yours." The manual delivery may not be effective if there was no intention that it be delivered absolutely, and on the other hand there may be a perfectly good delivery without touching the deed if a positive intent to release all control of the deed in favor of another is evinced.

Any person not under a legal disability (infancy, insanity) may execute a deed. The deed of an infant is termed voidable, that is, the property will actually pass to the grantee, but the infant may repudiate the deed when he reaches majority. Old age, ignorance, and feeble-mindedness are not enough in themselves to prevent a deed from being effective, but circumstances may show undue influence or fraud on the part of someone else, in which case the deed could be voided.

Sometimes a deed fails to convey the intended land. The parties may remedy this with a deed of correction, but if one party is obstinate, and the other party can show a court of equity that a mistake actually existed, the deed may be reformed. Courts have been criticized for being too rigid in considering such cases, and many people feel that relief should be granted more often than it is.

A peculiar type of deed is often executed in favor of children of relatives who promise to look after a farm and take care of the grantor in his or her old age. These are known as deeds to support, and the consideration or payment by way of service and care expressed in them is usually good, provided no fraud or undue influence is present, and the court does not think that the grantee was under a duty to care for the relative anyway. Performance of the service is usually a necessary condition to the enforceability of such a deed.

Although the law says that there must be a writing to make a valid transfer of real estate, there are instances when an oral or spoken agreement is enforceable. This is true generally when the grantee has substantially performed his end of the bargain and is in such a position that a transfer of the land is all that can adequately repay him. Under such circumstances a court of equity will enforce a conveyance of the property. ¹

QUITCLAIM DEEDS

If there is any truth in the story that frequently some gullible person "buys" Brooklyn Bridge, he most likely takes a quitclaim deed from his seller --and the deed is valid! The effect of a quitclaim deed is aptly expressed by the name of the instrument itself--"quit claim," meaning that the grantor quits all his claims to a described property. There are no warranties of title in such a deed and no recourse can be had against the grantor, even though it later appears that he had no interest whatsoever in the property. All the grantor purports to do in a quitclaim deed is convey his present rights in the property; and his rights may be substantial or nonexistent. A quitclaim deed may be drawn so that it will convey future as well as present interest. When it is used as a means of clearing title to property it should be so worded as to prevent future claims arising.

From the nature of quitclaim deeds it is evident that they should not be used in the usual case of land transfer; their use should be reserved for clearing title and settling the rights of persons who might have some claim to the property being transferred. A quitclaim deed conveys a clear title only when the person giving it possesses all the right, title, and interest in the property conveyed. Of course a number of quitclaim deeds to one per-

¹ Hannah, Harold W., Law On The Farm, 61-63

son from all persons having an interest can give a clear title.

The legal requirements of a quitclaim deed are the same as for a warranty deed, except that no warranties or guarantees of title are made. Also language such as "conveys and quitclaims" should be used to show the kind of instrument intended. Quitclaim deeds must be recorded to be effective against third persons. ²

TRUST DEED

When several persons loan money on the same property it is customary for the owner of the property to convey the title to another in trust to hold as security for the repayment of all the loans made on such property. This conveyance is accomplished by a "trust deed." The principal difference between a trust deed and a mortgage is that the former is a conveyance of title to a third person to hold for the benefit of the creditor or creditors, whereas the latter is a conveyance of title directly to the creditor for security purposes.

Trust deeds are now commonly used in the place of mortgages. So far as legal effect and foreclosure procedure are concerned the two instruments are similar. Also a trust deed must meet the same requirements as to signature, consideration, description of property and other legal essentials. When the indebtedness secured by a trust deed has been paid the debtor is entitled to a release of record. ³

² Ibid., pp. 63-64

³ Ibid., p. 65

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: A study of different kinds of mortgages

PURPOSE: 1. To understand the different kinds of mortgages and the purpose of each kind.

PIVOTAL POINTS:

1. Describe a real-estate mortgage?
2. What is the purpose of a real-estate mortgage?
3. Name the bare legal requirements of a real-estate mortgage?
4. What is meant by first and second mortgages?
5. What is the disadvantage of taking a second mortgage?
6. When is a chattel mortgage generally used?
7. Why is it usually easy to obtain a chattel mortgage?
8. What type of personal property may be used as security to get a chattel mortgage?
9. What are the important facts about chattel mortgages?
10. Upon foreclosure by sale of mortgaged property, what does the notice contain?

METHOD: Supervised practice, discussion, discussion by a banker

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 64-65
Ibid., pp. 127-29
Oklahoma Statutes, 1941, pp. 1478-88

REAL-ESTATE MORTGAGES

A real-estate mortgage may be described as a "deed of land and permanent improvements with a defeasance clause" given to secure the payment of specified notes. This means that the mortgage deed will become void and ineffective when the mortgagor meets the conditions set forth in the instrument. The condition in nearly all cases is the repayment of a loan evidenced by notes secured by the mortgage. An important question for a borrower to ask when he signs a mortgage is whether the instrument is a mortgage deed which will become void when he repays the loan or an ordinary deed which will operate as a cloud on his title after the loan is repaid.

The purpose of a real-estate mortgage is to make a temporary conveyance of legal title (not possession or the right to use) to the lender so that in case the loan is not paid he can foreclose the mortgage, have the property sold, and be repaid out of the proceeds. Since a mortgage conveys bare "legal" title only, the beneficial interest or "equitable title" as it is called (right to possession, use, and income), remains in the mortgagor.

The bare legal requirements of a real-estate mortgage are:

1. It must be in writing.
2. The parties must be designated and competent.
3. The property must be adequately described, preferably by a legal description.
4. Consideration must be stated.
5. Words of conveyance and warranty must be used.
6. Exceptions or conditions, if any, should be clearly stated.
7. Dower and homestead should be properly waived.
8. The parties must sign.
9. The instrument must be sealed.

By "first mortgage" is meant a conveyance, for security purposes, of property on which no other mortgage exists. This gives such a mortgagee a prior claim against the whole of the mortgaged property for the full amount of the loan. A "second" mortgage exists when a loan is made on property already covered by a first mortgage, and the second lender accepts a mortgage of the property as security. In case foreclosure and sale are necessary the second mortgagee is entitled to the proceeds only after the full amount of the first mortgage claim has been settled.

CHATTEL MORTGAGE

Farmers nowadays use a large amount of short-term credit to finance crops, purchase equipment and supplies, and buy lambs and feeder cattle. State laws relative to the use of personal property as security for such loans have, therefore, become of increased importance.

The chattel mortgage is the most common form of security for such loans. It is an instrument developed for the purpose of allowing the debtor (mortgagor) possession and use of mortgaged chattels (personal property) and at the same time giving to the seller or lender (mortgagee) a security interest superior to the rights of purchasers or transferees of the mortgagor, regardless of the actual knowledge of such persons concerning encumbrances on the chattel. As a credit device it enables farmers to obtain loans because it gives the lender a high type of security.

There is no limitation on the type of personal property used as security. Chattel mortgages on farm property may include livestock, grain, growing crops, machinery and equipment, feed to be fed to livestock included in the mortgage, and even household furniture if necessary.

The following facts about chattel mortgages are important:

1. They are ineffective unless recorded within the time and in the manner

provided by state law.

2. They must be prepared and signed in accordance with state law.
3. They become ineffective when not renewed or foreclosed within the time specified by law.
4. They must contain an accurate description of the property included.
5. In most states mortgages on female animals attach to progeny born while the mortgage is in effect.
6. Unless state law provides that chattel mortgages may attach to crops before planting, they do not attach to crops until the seed is in the ground.
7. A chattel mortgage on feed, seed, or fertilizer is good if the same mortgage includes the animals to which the feed is fed, or the crop on which the seed and fertilizer are used.
8. In some cases a chattel mortgage on household goods must be signed by husband and wife.
9. Statutory liens gives landlords, threshermen, shellers, and others the precedence over chattel mortgages on the same property, regardless of the time of execution of the chattel mortgage.
10. Mortgaged chattels cannot be sold without the consent of the mortgagee. If they are sold without consent the buyer does not acquire title and the mortgagor is subject to penalty. The mortgagee then may recover the property from the purchaser or the purchaser's transferee, and may recover damages from the mortgagor. ¹

When the conditions of a chattel mortgage have been broken, foreclosure by the sale of the property mortgaged, may be done, upon notice, and in the

¹ Hannah, Harold W., Law On The Farm, pp. 64-65, 127-29

manner following: The notice shall contain:

1. The names of the mortgagor and mortgagee, and the assignor, if any.
2. The date of the mortgage.
3. The nature of the default and the amount claimed to be due thereon at the date of the notice.
4. A description of the mortgaged property, conforming substantially to that contained in the mortgage.
5. The time and place of sale.
6. The name of the party, agent or attorney, foreclosing such mortgage. 2

2 Oklahoma Statutes, 1941, pp. 1478-1488

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Contracts

PURPOSE: 1. To get pupils to understand the importance of contracts.
2. To get pupils to have a knowledge of how to make a legal contract.

PIVOTAL POINTS:

1. What is a contract?
2. Why are contracts necessary?
3. Should a father and son enter into a contract?
4. Who is eligible to make a contract?
5. What is the object of a contract?
6. Which supercedes - an oral or a written contract?
7. What are some things that make a contract unlawful?
8. What is the maximum legal rate of interest in the absence of a contract?
9. What is the maximum legal rate of interest per annum with a contract?
10. Can the interest be deducted for a year when the contract is made?
11. What is the responsibility of a person borrowing something from another?
12. Can a lender of a thing require its return before the user is through with the thing?
13. What is your experience with contracts?

METHOD: Supervised study, discussion, conference

REFERENCES: Oklahoma Statutes, 1941, pp. 634-77

CONTRACTS

A contract is an agreement to do or not to do a certain thing. It is essential to its existence that there be: Parties capable of contracting, their consent, a lawful object, a sufficient cause of consideration. All persons are capable of contracting except persons of unsound mind, minors, and persons deprived of civil rights. The consent of the parties must be free, mutual and communicated by each to the other. An apparent consent is not real or free when obtained through duress, menace, fraud, undue influence or mistake. Mistake may be either of fact or law. Mistakes of law constitute a mistake which arises from misapprehension of the law by all parties who supposed that they knew and understood it, all making substantially the same mistake, or by one party, of which the others are aware at the time, but which they did not rectify.

Consent is mutual when all parties agree upon the same thing in the same sense.

The object of the contract is the thing which the party receiving the consideration agrees to do or not to do; it must be lawful when the contract is made and possible and ascertainable at the time it is to be conformed. Where the contract is a single object only, and if it is unlawful in whole or in part, or wholly impossible of performance, or wholly unascertainable, the entire contract is void.

Any benefit conferred or agreed to be conferred, or any prejudice suffered or agreed to be suffered, other than that which the parties are entitled to receive, or bound to suffer, is a good consideration for a contract. The consideration must be lawful and if any part thereof is unlawful, the entire contract is void. A written instrument is presumptive evidence of the consideration, and a burden of showing a want of sufficient consideration to support a contract

lies with the party seeking to avoid it.

The following contracts are invalid, unless the same or some note or memorandum thereof be in writing and subscribed by the party to be charged, or his agent:

An agreement, that by its terms is not to be performed within one year.

A special promise to answer for the debt, default or miscarriage of another.

An agreement made upon consideration of marriage.

An agreement for the sale of goods, chattels or things in action, at a price not less than fifty dollars, unless the buyer accept or receive part of such goods or pay some part of the purchase price.

An agreement for the lease for a longer period than one year, or for the sale of real property, or an interest therein.

A written contract supercedes all the oral negotiations or stipulations which preceded or accompanied the execution of the instrument.

Where a contract is partly written and partly printed, or where part of it is written or printed under the special directions of the parties, and with a special view to their intention, and the remainder is copied from a form originally prepared without special reference to the particular parties and particular contract in question the written parts control the printed parts, and the parts which are purely original control those which are copied from a form. And if the two are absolutely repugnant, the latter must be so far disregarded.

Those contracts are unlawful which are:

1. Contrary to an express provision of law.
2. Contrary to the policy of express law, though not expressly prohibited; or,

3. Otherwise contrary to good morals.

A loan of money is a contract by which one delivers a sum of money to another, and the latter agrees to return at a future time a sum equivalent to that which he borrowed. A borrower of money must pay the amount due in such money as is current at the time when the loan becomes due, whether such money is worth more or less than the actual money lent.

Whenever a loan of money is made, it is presumed to be made upon interest, unless it is otherwise expressly stipulated at the time in writing. When a rate of interest is prescribed by a law or contract, without specifying the period of time by which such rate is to be calculated, it is to be deemed an annual rate. The legal rate of interest shall not exceed six per cent in the absence of any contract as to the rate of interest, and by contract, parties may agree upon any rate not to exceed ten per cent per annum. Said rates of six and ten per cent shall be respectively, the legal rate and the maximum contract rates of interest.

The interest which would become due at the end of a term for which a loan is made, not exceeding one year's interest in all, may be deducted from the loan in advance if the parties thus agree.

A loan for use is a contract by which one gives to another the temporary possession and use of personal property, and the latter agrees to return the same thing to him at a future time without reward for its use.

A borrower for use must use great care for the preservation in safety in good condition of the thing borrowed.

A borrower for use must repair all deteriorations or injuries to the thing lent, which are occasioned by his negligence, however slight.

The borrower of a thing for use may use it for such purposes only as the lender might reasonably anticipate at the time of lending.

The borrower of a thing for use must not part with it to a third person without the consent of the lender.

The lender of a thing for use must indemnify the borrower for damages caused by defects or vices in it, which he knew at the time of lending, and concealed from the borrower.

The lender of a thing for use may at any time require its return, even though he lent it for a specified time or purpose. But if, on the faith of such an agreement, the borrower has made such arrangements that a return of the thing before the period agreed upon would cause him loss, exceeding the benefit derived by him from the loan, the lender must indemnify him for such loss, if he compels such return, the borrower not having in any manner violated his duty. ¹

¹ Oklahoma Statutes, 1941, pp. 634-77

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: $\frac{1}{2}$

PROBLEM: Understanding the nature and purpose of wills.

- PURPOSE:
1. To get pupils to understand the importance of making a legal will to keep down disagreements among the heirs.
 2. To get pupils to understand wills.

PIVOTAL POINTS:

1. Who is eligible to make a will?
2. How much can a married person bequeath away from his spouse?
3. How is a child born after a will is made taken care of?
4. How does a person go about contesting a will?
5. What are some of the issues which may be raised in contesting a will?
6. Who renders judgment on a hearing where a will has been contested?
7. Is there any advantage in a farmer leaving a will?
8. What may happen to a well improved farm if there are several heirs and no will?
9. What is done with wills?

METHOD: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 2724-44

WILLS

Every person over the age of eighteen years of sound mind, may by will depose of all his estate. A married woman may depose of all her separate estate by will, without the consent of her husband. But a will procured to be made by duress, menace, fraud or undue influence may be denied probate and a revocation of a will by the same means will be declared void.

Every character of property which might be inherited may be disposed of by will, provided no marriage contract has been entered into by the parties. No man while married shall bequeath more than two-thirds of his property away from his wife, and no woman while married is permitted to bequeath more than two-thirds of her property away from her husband.

If after having made a will the testator marries, and has issue of such marriage, and the wife or issue survives him, the will is revoked unless provision has been made for such issue, or provided for in the will, or in some way mentioned therein as to show an intention not to make such provisions, and if after making a will, the testator marries, and the wife survives the testator, the will is revoked, unless provision has been made for her by marriage contract.

Whenever a testator has a child born after the making of a will, and dies leaving such child unprovided for, the child succeeds to the same portion of the estate that he would have taken had there been no will.

Every custodian of a will shall within thirty days after receiving information that the maker thereof is dead, deliver the will to the County Court having jurisdiction of the estate, and any interested in the estate may petition the court to have the will probated and the court must fix a day for hearing the petition. If no person appears to contest the probate of the will, the Court may admit it to probate upon proper proof of its execution.

Any person interested may contest a will, but must file written grounds of opposition and serve a copy of his objection upon all persons interested. The following issues of fact may be raised on a contest of a will. The mental capacity of the decedent; freedom of decedent from duress, menace, fraud, or undue influence. The due execution and attestation of the will by the decedent or the attesting witnesses and any other questions substantially affecting the validity of the will. The court after hearing the evidence on the contest of a will must give in writing his findings of fact and conclusions of law and render judgment either admitting the will to probate or rejecting it.

The testator's intentions are to be ascertained from the words of a will, taken in view of the circumstances under which it was made exclusive of his oral declarations. All the parts of the will are to be construed in relation to each other and so as, if possible, to form one consistent whole. Where the meaning of a part of the will is ambiguous or doubtful, it may be explained by any reference thereto or recital thereof, in another part of the will. The words of a will are to receive an interpretation which will give to every expression some effect rather than one which shall render any of the expressions inoperative. ¹

¹ Oklahoma Statutes, 1941, pp. 2724-44

PROBLEM PLAN

YEAR TAUGHT: Agri. II MONTH: January PERIOD: 1

PROBLEM: Analyzing and writing checks

PURPOSE: 1. To teach pupils to properly write checks.
2. To teach pupils the importance of taking precautions when writing checks.

PIVOTAL POINTS:

1. What is the definition of a check?
2. What are the steps in making out a check?
3. What are some things that can be written on a check other than the essential things?
5. What should be done in case a check is lost or the maker finds out he has already settled the debt?
6. How does a person keep a record to compare with his bank statement?
7. What does n.s.f. mean on a check that has been returned to the maker?
8. What is the purpose of a special endorsement on a check?
9. Is there a time limit on the validity of a check?

METHOD: Supervised study, class discussion, discussion by the local banker.

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 34-36
Oklahoma Statutes, 1941, pp. 268-67

CHECKS

Legally a check may be defined as a signed written order on the maker's bank to pay on demand either to the bearer or to the order of a named person a stated amount of money.

The following steps are necessary in making out a check:

- a. Fill in the date. This should be the day the check is made out.
- b. Insert the name of the payee. "To the order of" appears on the usual check form.
- c. Insert amount of check both in figures and in writing.
- d. Sign the check.

If a customer's draft (a blank check form with no bank named on it) is used, the name and address of the bank in which the maker has an account from which the money is to be drawn must be inserted.

The following items may be written on a check, but are not essential:

- a. A serial number
- b. What the payment is being made for
- c. Address of the maker

Sometimes a merchant or other person accepting a check from an unfamiliar person asks that his address be written below his signature.

Certain simple precautions should be observed in making out checks.

- a. Use a pen or indelible pencil.
- b. Write plainly and legibly.
- c. Fill all blank spaces with a line. This helps prevent the "raising" of the check and alteration of names.
- d. The parties should be correctly designated and their names properly spelled. If the amount written on the check differs from the figures, the written words control.

If after writing a check the maker loses it or finds that he has already settled the debt it was to have paid, he may have his bank stop payment. Also when a depositor finds that a forgery has been committed he may recover from the bank, provided he notifies it within a year after the forgery occurred. Inasmuch as a depositor should examine his canceled checks and verify his balance several times a year, this gives him ample opportunity to detect forgery.

In checking the balance shown by a bank statement against the depositor's check book balance, the balance in the check book plus the amount of any checks written but not appearing on the bank statement should equal the balance shown by the statement.

A check made out to "cash" or endorsed in blank is as good as money, regardless of who cashes it; therefore it pays to withhold the making of such checks or the endorsing of checks in blank until a short time before depositing or cashing.

When a check is returned marked "n.s.f." it means there were not sufficient funds in the maker's account and that the check was not paid by the bank. Checks must be presented within a reasonable time after issuance.

Checks are frequently endorsed several times before they reach the drawee bank. A knowledge of the legal effect of different endorsements is important not only in taking checks but in negotiating them. Most checks are endorsed in blank, which means that the payee writes his name on the back, usually across one end. When a check has been so endorsed anyone can cash it. If a check is not to be cashed immediately either a special endorsement or no endorser merely writes, "Pay to the order of Henry Smith," and signs his name under it. This renders the check incapable of transfer except by forgery until Henry Smith signs it in blank, "Henry Smith," A principle of negotiability is that all endorsers shall be liable to subsequent holders in case the check

is not honored upon presentation to the drawer. This responsibility runs all the way back to the drawer, and only a qualified endorsement "without recourse" will relieve an endorser. Qualified endorsements make checks less negotiable.¹

When any deposit shall be made in any bank by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with interest thereon, if any to the person in whose name the deposit shall have been made, and the receipt or acquittance of such depositor shall be a valid and sufficient release and discharge to such bank for such deposit or any part thereof.

Where a check or other instrument, payable on demand at any bank or trust company doing business in this State, is presented for payment more than one year from its date, such bank or trust company may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred by the bank or trust company to the drawer or maker for dishonoring the instrument by non-payment.

No bank, or trust company, doing business in this State, which has paid and charged to the account of a depositor any money on a forged, altered, or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon unless either (1) within twelve (12) months after notice of said depositor that the vouchers representing payments charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been given, within twelve (12) months after the return to said depositor of the voucher representing such payment, said depositor shall notify the bank

¹ Hannah, Harold W., Law On The Farm, pp. 34-36

or trust company that the check so paid is forged, altered, or raised. ²

² Oklahoma Statutes, 1941, pp. 268-69

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Rules and regulations governing homesteads and exemptions.

- PURPOSES:
1. To teach pupils to be more familiar with homestead exemptions.
 2. To teach pupils to understand regulations governing homesteads and exemptions.

PIVOTAL POINTS:

1. What property is reserved to the head of every family?
2. How many acres of land may a homestead in the country consist?
3. How much land may a homestead in the city or town consist?
4. What are some of the restrictions on homesteads in town?
5. Can a person rent a homestead temporarily and still get exemptions?
6. The exemption of the homestead shall not apply when the debt is due to what things?
7. What is the status of men in the service and disabled veterans in regard to homestead exemptions.
8. Under what conditions isn't the homestead protected from forced sale?
9. How much homestead exemption does a homesteader get off from his ad valorem taxes?

METHOD: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 1178-80
Oklahoma Statutes, 1949, Cumulative Supplement, p. 403

HOMESTEAD AND EXEMPTIONS

The following property shall be reserved to the head of every family residing in the State, exempt from attachment or execution and every other species of forced sale for the payment of debts except as hereinafter provided.

1. The homestead of the family shall consist of the home of the family whether the title to the same be lodged in or owned by the husband or wife.
2. All household and kitchen furniture.
3. Any lot or lots in a cemetery held for the purpose of sepulture.
4. All implements of husbandry used upon the homestead.
5. All tools, apparatus and books belonging to and used in any trade or profession.
6. The family library and all family portraits and pictures, and wearing apparel.
7. Five milch cows and their calves under six months old.
8. One hundred chickens.
9. One yoke of work oxen, with necessary yokes and chains.
10. Two horses and two mules, and one wagon, cart or dray.
11. One (1) carriage or buggy.
12. One (1) gun.
13. Ten (10) hogs.
14. Twenty (20) head of sheep.
15. All saddles, bridles and harness necessary for use of the family.
16. All provisions and forage on hand, or growing for home consumption, and for the use of exempt stock for one year.

17. Seventy-five per cent of all current wages or earnings for personal or professional services, earned during the last ninety days.

The homestead of any family in this State, not within any city, town or village, shall consist of not more than one hundred and sixty acres of land, which may be in one or more parcels, to be selected by the owner. The homestead within any city or town, owned and occupied as a residence only, shall consist of not exceeding one acre of land, to be selected by the owner: Provided, that the same shall not exceed in value the sum of five thousand dollars, and in no event shall the homestead be reduced to less than one-quarter of an acre, without regard to value: And Provided, Further, that in case said homestead interests therein shall not exceed in value the sum of five thousand dollars: Provided, that nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State: And Provided, Further, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

The exemption herein provided for must not be construed to apply to the following persons, namely:

1. To a non-resident.
2. To a debtor who is in the act of removing his family from the State;
or,
3. Who has departed, taking with him his family.

The following property shall be reserved to persons who are not heads of a family, exempt from attachment, execution and every other species of forced sale, except for liens given by the owners:

First. A lot or lots in a cemetery held for the purpose of a sepulcher.

Second. All wearing apparel.

Third. All tools, apparatus and books belonging to any trade or profession.

Fourth. One horse, bridle and saddle, or one yoke of oxen.

Fifth. Seventy-five per cent of all current wages or earnings for personal or professional services. Provided, however, that no process issued in any court to subject such wages or earnings for personal services to satisfy any judgment or obligation, shall ever include more than twenty-five per cent of such wages, or personal earnings, and any person, firm, association or corporation either personally or by agent or attorney violating any provision of this act shall forfeit the entire debt, judgment or obligation sought to be satisfied, and no court in the State of Oklahoma shall ever have jurisdiction to enforce collection of any such claim, judgment or obligation in any case in which the provisions of this act have been violated.

The exemption of the homestead provided for in this chapter shall not apply where the debt is due:

1. For the purchase money of such homestead or a part of such purchase money.
2. For taxes or other legal assessments due thereon.
3. For work and material used in constructing improvements thereon.

None of the personal property mentioned in this Chapter, shall be exempt from attachment or execution for wages of any clerk, mechanic, laborer, or servant.

There shall also be exempt from levy and sale upon execution or attachment to every resident of this State who became disabled in the service of the United States as a soldier, sailor, or marine, all pension money hereafter received belonging to such soldier, sailor or marine.

Automobiles and other motor vehicles shall not be exempt from attachment, execution and other forced sale. ¹

All persons serving in the armed forces of the United States, and owning a home, and having claimed and received homestead exemptions, shall not lose their homestead exemptions on account of their absence in the service of the United States during the War and for six (6) months thereafter. ²

All homesteads in the State of Oklahoma shall be assessed for taxation the same as other real property, except that each homestead shall be exempted from all forms of ad valorem taxation to the extent of one thousand (\$1,000.00) dollars of the assessed valuation.

On or before January first of each year, the Oklahoma Tax Commission shall prescribe suitable blank forms to be used by all claimants for homestead exemption. Such forms shall contain provisions for the showing of all information which the said Commission may deem necessary to enable the proper county officials to determine whether each claim for exemption should be allowed. It shall be the duty of the county assessor of each county in this State to furnish such forms, upon request, to each person desiring to make application for homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the State and no application for exemption shall be allowed unless the applicant uses the regularly prescribed form in making his or her application. The application must be filed with the county assessor on or before the first day of April each year, and the failure to do so shall constitute a waiver of said exemption for such year.

If any person makes any false or fraudulent claim for exemption, or make

¹ Oklahoma Statutes, 1941, pp. 1178-80

² Oklahoma Statutes, 1949, Cumulative Supplement, p. 403

any false statement or false representation of a material fact, in support of such claim shall be guilty of a misdemeanor and subject, upon conviction thereof, to a forfeiture of the exemption herein granted for a period of two (2) years from date of conviction, and to a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, or by imprisonment in the county jail for not more than six (6) months, or both.³

3 Oklahoma Statutes, 1941, pp. 2096-99

PROBLEM PLAN

YEAR TAUGHT: Agri. IV MONTH: January PERIOD: 1

PROBLEM: Landlord and Tenant

- PURPOSE:
1. To understand the rights of landlords and tenants.
 2. To understand the responsibilities of landlords and tenants.
 3. To understand the importance of a written agreement.

PIVOTAL POINTS:

1. Who is a landlord?
2. Who is a tenant?
3. Can a landlord have a lien on the crops if the tenant owes any rent?
4. A landlord can enter upon the land and receive his share of the rent by replevin. What does replevin mean?
5. How can a landlord get his share of the rent if the crop has been sold?
6. What does the law provide for a tenant living in a delapidated house?
7. What is the tenant's obligation to the landlord on damages done through negligence?
8. Discuss the removing of movable fixtures erected by the tenant during his term of the lease.
9. Which is the best way for a tenant to be sure he can move the things he erects on a rented farm?
10. Discuss the rental agreements you or your parents have?

METHOD: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 1403-08
Hannah, Harold W., Law On The Farm, pp. 178-211

LANDLORD AND TENANT

When premises are let for one or more years, and the tenant, with the assent of the landlord, continues to occupy the premises after the expiration of the term, such tenant shall be deemed to be a tenant at will; provided, that no lease or rental contract of premises shall be continued, unless the original contract was in writing, and all other lease or contracts shall expire by limitation with the calendar year, without notice.

All tenancies from year to year, may be determined by at least three months notice, in writing, given to the tenant prior to the expiration of the year. If a tenant, for a period of less than three months, shall neglect or refuse to pay rent when due, five days notice, in writing, to quit, shall terminate the lease, unless such rent be paid before the expiration of said five days.

When the time for the termination of a tenancy is specified in the contract, or where a tenant at will commits waste, or in the case of a tenant by sufferance, and in any case where the relation of landlord and tenant does not exist no notice to quit shall be necessary.

Any rent due for farming land shall be lien on the crop growing or made on the premises.

When any such rent is payable in a share or certain proportion of the crop, the lessor shall be deemed the owner of such share or proportion, and may if the tenant refuse to deliver him such share or proportion, enter upon the land and take possession of the same, or obtain possession by action of replevin.

Any person who shall remove any crops from leased or rented premises with intent to deprive the owner or landlord interested in the land of any of the rent due from the land, or who shall fraudulently appropriate the rent due

the owner or landlord of the land, to himself or any person not entitled thereto, shall be deemed guilty of embezzlement and punished accordingly.

The person entitled to rent may recover from the purchaser of the crop, or any part thereof, with notice of the lien, the value of crop purchased, to the extent of the rent due and damages.

In an action to enforce a lien on crops for rent of farming lands, the affidavit for attachment shall state that there is due from the defendant to the plaintiff a certain sum, naming it, for rent of farming lands, describing the same, and that the plaintiff claims a lien on the crop made on such land. Upon making and filing such affidavit and executing an order of attachment shall issue as in other cases, and shall be levied on such crop, or so much thereof as may be necessary.

The lessor of a building intended for the occupation of human beings must, in the absence of an agreement to the contrary, put it into a condition fit for such occupation, and repair all subsequent dilapidations thereof, except that the lessee must repair all deteriorations or injuries thereto occasioned by his ordinary negligence.

If within a reasonable time after notice to the lessor of dilapidations which he ought to repair, he neglects to do so, the lessee may repair the same himself, and deduct the expense of such repairs from the rent, or otherwise recover it from the lessor; or the lessee may vacate the premises, in which case he shall be discharged from further payment of rent, or performance of other conditions.

If a lessee of real property remains in possession thereof, after the expiration of the lease and the lessor accepts rent from him, the parties are presumed to have renewed the lease on the same terms and for the same

time, not exceeding one year. ¹

Generally a tenant may remove from the rented premises all removable fixtures erected by him during the term of his lease. However, this right has certain limitations: removal by the tenant must be made while he remains in possession in his character as tenant or within a "reasonable" period thereafter; he can take only "removable fixtures," which is determined by a court. He cannot remove fixtures so long as they are subject to distress for rent.

A lease or separate written agreement may be made to provide that all fixtures supplied by a tenant at his own expense can be taken with him, regardless of injury to the real estate, or that the tenant will be compensated at an agreed rate for the unexhausted value of the improvements he does not remove. In such cases the tenant is protected. ²

1 Oklahoma Statutes, 1941, pp. 1403-08

2 Hannah, Harold W., Law On The Farm, pp. 178-211

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 2

PROBLEM: Understanding the laws pertaining to fishing and hunting.

PURPOSE: 1. To get pupils to understand the laws of game and fish.
2. To get pupils to understand the purpose of regulations.

PIVOTAL POINTS:

1. Does a game ranger need a search warrant to search a person and his car?
2. Do you need a license to fish and hunt on land which you live on and own or lease?
3. At what age must you start buying licenses?
4. How much does a fishing and hunting license cost when they are bought separately?
5. How much does a hunting and fishing license cost when they are bought together?
6. How much does the person selling the license get?
7. A person with a fishing license is permitted to fish in what waters?
8. How long are fishing and hunting licenses good?
9. What person can obtain a free hunting and fishing permit by making an application to the State Game and Fish Commission?
10. Is it against the law to carry firearms and a high powered light where deer are known to be?
11. Whose property are all wild animals and birds found in the state?
12. Is it legal to hunt and fish upon lands of another without consent?
13. Discuss the protection given particular game birds and animals.
14. What birds are protected by law?
15. Why do the season's limits and methods of taking fish and game change?
16. What are the open-season dates on furbearing animals?
17. Which fish are considered game fish?
18. What is the maximum number of hooks allowed on a trot line?
19. Does a person need a license to fish if he uses only worms for bait?
20. What has been your experience with hunting and fishing without licenses?

METHODS: Supervised study, discussion, conference

REFERENCES: Oklahoma Statutes, 1941, pp. 1153-74
Oklahoma Statutes, 1949, Cumulative Supplement, pp. 392-402

GAME AND FISH DEPARTMENT AND COMMISSION

All persons appointed as game and fish rangers shall be and have the powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Act and all other laws of the state relating to the conservation of game and fish. They shall have the power of search and seizure in accordance with the general statutes of the State of Oklahoma relating to the powers of peace officers and may take into possession any and all game, bird or fish, taken, killed, shipped or had in possession contrary to law with or without a warrant. Game, birds and fish, so seized, shall be disposed of in such manner as may be determined by the director or any court of competent jurisdiction.

GENERAL PROVISIONS CONCERNING FISH AND GAME

No license shall be required to fish on land owned or leased and actually occupied by the owner or tenant. It shall be unlawful for any person above the age of sixteen (16) years to hunt without having secured the hunting license provided for by law, and it shall be unlawful for any person above the age of sixteen (16) years to fish without having secured from the State Game and Fish Department, or its authorized agent, a fishing license, and paying a license fee of Two Dollars (\$2.00), of which said sum, One Dollar and Seventy-five cents (\$1.75) shall be paid into the State Treasury to the credit of the State Fish and Game Fund, and Twenty-five cents (25¢) to be retained by the officer or duly authorized agent issuing such license. Such fishing license shall be applied for and issued in the same manner as now provided by law for hunting license. The holder of said license shall be entitled to fish in any waters of this State, other than those privately owned. No person shall be required to secure a license to fish with pole and line, trot line, or throw line in streams, natural lakes, natural ponds, and mine pits in the county in

which he is a bona fide resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which he is a bona fide resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, minnows, and shrimp. Provided, that no trot line used under the provisions of this Section shall contain more than one hundred (100) hooks. The State Game and Fish Director shall prepare the form of such license.

Persons who have not been a resident of the State of Oklahoma for sixty (60) days before being issued a license to fish shall pay a license fee of Five Dollars (\$5.00), of which said sum, Four Dollars and Seventy-five cents (\$4.75) shall be paid into the State Treasury to the credit of the State Fish and Game Fund, and Twenty-five cents (25¢) retained by the officer or duly authorized agent issuing such license.

Fishing license shall be issued separately from the hunting license now provided for by law.

Any resident of the State of Oklahoma may apply for and receive, in lieu of separate fishing and hunting licenses as herein provided, a combination fishing-hunting license, to be issued by the State Game and Fish Department or its authorized agents, at a fee of Three Dollars and Fifty cents (\$3.50), of which said sum Three Dollars and Twenty-five cents (\$3.25) shall be paid into the State Treasury to the credit of the State Fish and Game Fund, and Twenty-five cents (25¢) to be retained by the officer or duly authorized agent issuing such license.

Provided further that such combination fishing-hunting license shall be issued for one (1) year beginning January 2, and in the same manner as now provided for separate fishing and hunting licenses.

All hunting licenses, fishing licenses, or combination fishing-hunting

licenses shall show the date of issue and the facts stated in the application, and shall expire January 1st next after their issue, shall be nontransferable and shall authorize the person named and described therein to hunt and/or fish, subject to the restrictions imposed by law. Any person holding a hunting and/or fishing license shall, while hunting and/or fishing, carry said license on his or her person and produce the same for inspection on demand of any citizen of the State or any officer duly authorized to enforce the game and fish laws. No holder of any hunting and/or fishing license shall at any time alter or change or lend or transfer to another such license, nor shall any person have in possession while hunting and/or fishing a license issued to another.

Permits authorizing fishing in the waters and streams of this State, except private lakes or streams, and hunting license may be issued by the State Game and Fish Commission, to any and all persons who are duly enrolled on the old age assistance rolls of the State of Oklahoma, any person who is a veteran of any wars in which the United States has been engaged, a resident of Oklahoma, and attained the age of sixty-five (65) years, or a disabled veteran of sixty per cent (60%) or more, without the payment of any fee. Any person wishing to obtain such a permit shall make an application in writing, supported by affidavit of his name, age and residence, and mail it to the State Game Warden or one of his deputies.

GAME IN GENERAL

It shall be unlawful for any person to carry shotguns or firearms other than pistols while training bird dogs, except during the legal open season.

For the protection of human lives and domestic animals and for the conservation of wildlife, it shall be unlawful to kill or capture, or attempt to kill or capture any game animal or any game bird with firearms at night;

that is to say between one-half hour after sunset and one-half hour before sunrise.

Possession of firearms and spotlight or any powerful light at night in an area known to be frequented by deer shall be prima facie evidence that the person or persons possessing same are attempting to kill or capture a game animal in violation of this Act; provided that nothing in this Act shall be interpreted to prohibit the use of a .22 calibre rifle and hand-carried light in the pursuit of furbearing animals during the legal open season. ¹

All wild animals and wild birds, resident or migratory, found in this State are the property of the State.

It shall be unlawful to shoot at any game animals, game birds, or non-game birds, on, from or across any public road or highway or railroad right of way.

It shall be unlawful for any person to fish or hunt upon lands of another without the consent of the owner or occupant of such land. Consent shall not be required for hunting or fishing upon lands not occupied by a resident except where notice of objection is conspicuously posted upon the premises by the owner or his agent.

It shall be unlawful to wantonly kill or attempt to kill at any time any game bird or animal without a present purpose to immediately gather the same for use as food, whether the person so killing or attempting to kill is provided with a hunting license or not. ²

CHANGING SEASONS, LIMITS AND METHODS OF TAKING

The open seasons, closed seasons, bag limits, catch limits, possession limits and territorial limitations set forth in the statutes of this State,

¹ Oklahoma Statutes, 1949, Cumulative Supplement, p. 392

² Oklahoma Statutes, 1941, pp. 1163-65

pertaining to fish, game and various species of wildlife are hereby declared to be based on the existence of a normal population of such fish, game or various species of wildlife, compatible with and not damaging to the proper agricultural use of the lands of the State. Such seasons, catch limits, bag limits, possession limits and territorial limitations, as set by statute, shall prevail and be in force and effect for each and every species of wildlife to which they pertain so long as the populations or numbers of such wildlife species remain normal or are not damaging or endangering farm crops or proper agricultural use of the lands of the State, or any area of the State.

PROTECTION OF PARTICULAR BIRDS AND ANIMALS

It shall be unlawful to hunt for, with intention of killing, capture or kill any bobwhite quail, Mexican or Blue Quail, or Scaled Quail, except from November 20 to January 2 of each year, and then only on Tuesdays, Thursdays and Saturdays of each week, provided that the legal holidays of Thanksgiving, Christmas and New Year's Day shall be considered as a part of the open season to kill quail, and if Christmas or New Year's Day shall fall on Sunday, the Monday following such holiday shall be considered as an open season day on such game birds.

Providing it shall be unlawful at any time to shoot into any covey of quail resting on the ground, commonly called "pot-shooting."³

The bag limit on quail shall be ten (10) quail in any one day or fifty (50) quail in any one season, provided, that no person shall have more than two days' bag limit in his possession at any one time; and provided further, that no person shall have more than one day's limit in his possession while in the field or returning from one day's hunting.

³ Oklahoma Statutes, 1949, Cumulative Supplement, p. 399

The English or European house sparrow, hawk, owl, crow, buzzard, jaybird and blackbird are not included among the birds protected by this state.

It shall be unlawful to sell bullfrogs or to ship them outside the State at any time.

It shall be unlawful for any person to take, kill or capture more than fifteen (15) bullfrogs in any one day. The provisions of this Act shall not apply to persons engaged in the business of raising frogs for commercial purposes. ⁴

PREDATORY ANIMALS AND RODENTS

The State Game and Fish Commission is hereby authorized to bomb crows' roosts in the State of Oklahoma.

It shall be unlawful for any person or persons to set or use at any time any cyanide gas gun, bomb or other similar device using cyanide gas or other poisonous gas as the lethal agent, for the purpose of killing wolves or other animals, unless authorized by the State Game and Fish Commission and under the direct supervision of an agent of the State Game and Fish Commission.

FURBEARING ANIMALS

It shall be unlawful for any person to hunt, kill, capture, or otherwise take or destroy any furbearing animal in the State of Oklahoma, or to possess the pelt thereof, except from December 1st to February 1st following; provided, however, persons taking pelts during the trapping season herein provided shall have until February 25th, following, for selling or disposing of such pelts. Provided, nothing in this Section shall be construed as preventing the killing of furbearing animals actually found destroying livestock or poultry. Provided further, that this Section shall not be construed to prevent the running or chasing of fox and raccoon with dogs merely as a sport and not for the purpose

⁴ Oklahoma Statutes, 1941, pp. 1167-68

of killing, taking, or destroying fox and raccoon.

It shall be unlawful for any person to use, set, construct, possess or tend any trap, snare, deadfall or other device for the purpose of catching any furbearing animal in this State, except smooth jawed, steel traps having a spread of not more than six (6) inches. Provided no trap so used shall be set "in the open", or in paths, roads or runways commonly used by domestic animals or dogs. Provided any steel trap set for the purpose of catching any furbearing animal shall be visited once during each twenty-four (24) hours. Any violation of this Section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

The sale of fur of any furbearing animal, killed between February 1st and November 30th inclusive is hereby prohibited. Any person violating this Section shall be liable to a fine of not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00), or by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days.

FISH

It shall be unlawful for any person to take or catch from any of the rivers, creeks, lakes or ponds of this State, or any privately owned ponds, which are stocked by State Hatchery fish, any game fish, such as black bass, strawberry or calico bass, rock bass, otherwise known as goggle eye bass, crappie, white perch, yellow perch, rainbow or brook trout, with any sort of net trammel, net seine, gun trap, wire or pot, snare or gig, or to take from any such waters with hook and line, any black bass, or big mouth bass, or small mouth bass, or channel catfish, smaller than ten inches in length, or in any species of trout or any crappie smaller than six inches in length, or to take more than ten bass, fifteen channel catfish, fifteen crappie, or more than twenty-five game fish if the aggregate of all kinds in one day, or to

or to have in possession more than twenty bass, thirty channel catfish, thirty crappie, or more than seventy-five game fish in the aggregate of all kinds, or for a non-resident to have in possession, on leaving the State, more than ten bass, fifteen channel catfish, fifteen crappie or more than twenty-five game fish in the aggregate of all kinds, or to sell, offer to sell, or have in possession, for the purpose of selling any of the game fish herein described, other than such as may be taken from privately owned ponds or lakes as described in this chapter. Provided that it shall be lawful to use any ordinary minnow trap or minnow seine not more than forty (40) feet in length, for the purpose of catching small non-game minnows for bait for sale, and providing that it shall be lawful for a licensed commercial minnow dealer to use a minnow seine of a mesh not to exceed one-fourth ($\frac{1}{4}$ ") inch and the seine not to exceed forty (40) feet in length for the purpose of catching non-game minnows for bait, in rivers only.

It shall be unlawful for any person or persons to take, catch or kill any game fish from any of the streams, creeks, lakes, ponds or waters of this State other than privately owned ponds or lakes by any means, except with hook and line attached to a pole or rod, throw line or trot line; said trot line shall not contain more than One Hundred (100) hooks, providing that it shall be unlawful to fish with devices known as artificial devices containing more than fifteen (15) hooks, provided, however, that all fish not defined as game fish may be taken from the waters of this State by means of nets seines of any kind, the meshes of same, however, not to be smaller than Two and One-half ($2\frac{1}{2}$) inches; and provided further, that no netting or seining shall be done unless there shall be present some game ranger, deputy game ranger, state, county, or municipal or township peace officer, and providing further, that such fish may be taken by the use of gigs or spears; said gigs or spears

to have not more than three (3) points with not more than two (2) barbs on each point.

Provided, that the State Game and Fish Commission shall have authority to designate, by proclamation, areas, lakes or streams, or parts of lakes or streams where it shall be unlawful to take, catch or kill non-game fish by the use of such gigs or spears during such time as may be designated by said Commission.⁵

⁵ Oklahoma Statutes, 1949, Cumulative Supplement, pp. 400-02

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1

PROBLEM: Understand regulations pertaining to fertilizer

PURPOSE:

1. Understand the necessity for protection or need of regulations concerning fertilizers.
2. How protection may be secured.

PIVOTAL POINTS:

1. What information is given on the tag of fertilizer bag?
2. What does the importer, and manufacturer have to do before selling fertilizer in Oklahoma?
3. How much is the registration fee which is paid to the Oklahoma State Board of Agriculture?
4. What agency adopts standards and definitions for commercial fertilizers?
5. Discuss the powers of the Oklahoma State Board of Agriculture in regard to commercial fertilizers.
6. Who witnesses the taking of fertilizer samples by an agent of the State Board of Agriculture?
7. How often is the State Board of Agriculture required to analyze a sample of every commercial fertilizer?
8. Discuss the importance of the information found on a fertilizer tag.

METHODS: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 175-77

FERTILIZERS

Every lot or parcel of Commercial Fertilizer offered or exposed for sale in the State of Oklahoma for use within this State, shall have printed on a tag, a plainly printed statement clearly and truly certifying:

- (a) The net weight of the contents of the package, lot or parcel;
- (b) The name, brand or trade mark;
- (c) The name and address of the manufacturer or person responsible for placing the commodity on the market;
- (d) The minimum percentage of nitrogen in available form;
- (e) The minimum percentage of potash soluble in distilled water;
- (f) The minimum percentage of available phosphoric acid, also of total phosphoric acid;
- (g) The maximum percentage of borax or other harmful ingredients;
- (h) And no other statement of chemical compounds except as above.

Before any Commercial Fertilizer is sold, offered or exposed for sale, the importer, manufacturer, or party who causes it to be sold or offered for sale, shall deposit with the Oklahoma State Board of Agriculture a sealed glass, jar or bottle containing not less than one pound of the fertilizer to be sold or offered for sale accompanied by an affidavit that it is a fair average sample thereof and corresponds within reasonable limits to the fertilizer which it represents in the percentage of ingredients which it contains. Provided, further, that nitrogen fixing bacteria, used for the purpose of inoculating seed or soil and for other use for fertilizing purposes must have stated upon the container the minimum number of active bacteria per cubic centimeter and the final date for which the guarantee of this number holds, and shall pay to the Oklahoma State Board of Agriculture a registration fee of \$10.00

Any person who shall counterfeit or use a counterfeit of a tag, or tags, prescribed by this act, knowing the same to be counterfeited, or who shall use them a second time after the tag shall have been once attached, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars.

The Oklahoma State Board of Agriculture is hereby empowered to adopt standards and definitions for Commercial Fertilizer and such regulations as may be necessary for the enforcement of the law. The Oklahoma State Board of Agriculture shall have the power to refuse the registration of any Fertilizer Stuffs under a name which would be misleading as to the material of which it is made up, or which does not conform to the standard. Should any of the materials be registered, and it is afterwards discovered that they are in violation of the above provisions, the Oklahoma State Board of Agriculture shall have the power to cancel the registration after ten days' notice. The Oklahoma State Board of Agriculture is hereby empowered to adopt such regulations as may be necessary for the enforcement of all the provisions of this Act.

The Oklahoma State Board of Agriculture, or its duly authorized representative, is hereby authorized to take a sample not exceeding two pounds in weight for analysis from any lot or package of Commercial Fertilizer Stuffs, which may be in the possession of any manufacturer, importer, agent, dealer, or buyer in this state; but the sample shall be drawn or taken in the presence of the party or parties at interest or their representatives, and shall be taken from a parcel, lot or number of parcels which shall not be less than five per cent of the whole lot inspected, and shall be thoroughly mixed and divided into two samples and placed in glass or metal vessels carefully sealed and a label placed on each stating the name or brand of the fertilizer and the name of the party from whose stock the sample is drawn and the date

and place of taking such sample, and the label shall be signed by the Oklahoma State Board of Agriculture, or its duly authorized representative, and the party, or parties at interest, or their representative present at the time of the taking and sealing of the sample. Provided, that where the party or parties at interest refuse to be present and take part in the sampling of the fertilizers, the Oklahoma State Board of Agriculture, or its duly authorized representative, may take the samples in the presence of two disinterested witnesses, and one of the duplicate samples shall be retained by the Oklahoma State Board of Agriculture or its duly authorized representative and the other shall be left with the party whose stock was sampled, and the sample or samples retained by the Oklahoma State Board of Agriculture or its duly authorized representative shall be for comparison with the certified standards. The Oklahoma State Board of Agriculture shall cause one analysis or more to be made annually on each Commercial Fertilizer, sold or offered for sale, under the provisions of this Act. The result of the analysis of the sample or samples so prescribed, together with such additional information as circumstances advise, shall be published in reports or bulletins by the Oklahoma State Board of Agriculture from time to time. ¹

¹ Oklahoma Statutes, 1941, pp. 175-77

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1

PROBLEM: Understand commercial feed law

- PURPOSE:
1. Pupils should understand the law governing the sale of commercial feeds.
 2. Pupils should understand the label on feed and whether it is legal.

PIVOTAL POINTS:

1. Several million dollars' worth of commercial feed is purchased every year. Do you know what the law requires of commercial feed manufacturers?
2. Does commercial feed sold have to be labeled?
3. What does the law require to be printed on the feed label?
4. Why are correct labels important?
5. What agency must all commercial feed be registered with?
6. What is the function of the State Board of Agriculture in regard to commercial feeds?
7. What powers does the State Board of Agriculture have to inspect feed?
8. What are some of the things unlawful in distributing commercial feed?
9. What happens to feed that is found in violation of any of the provisions?

METHODS: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1949, Cumulative Supplement, pp. 29-31

COMMERCIAL FEED LAW

For the purpose of this Act:

(A) The term "Commercial Feeds" shall mean and include all materials used for feeding animals or birds, except the following:

- (1) Unmixed whole seeds or grains;
- (2) Whole hays, straws, cottonseed hulls, peanut hulls, stover, silage, and salt when unmixed with materials.

(B) The term "person" shall include any individual, firm, partnership, company, corporation or association.

(C) The term "distribute" or "distributing" shall mean and include offering or exposing for sale, selling, exchanging, or otherwise supplying commercial feeds.

(D) The term "brand" shall mean the name or other designation under which a commercial feed is registered and distributed in this State.

Every person distributing any brand of commercial feed in this State shall have printed on or attached to each container or delivered with each bulk lot of such feed a plainly printed statement, hereafter referred to as the label, in a conspicuous place on the outside, containing a legible and clearly printed statement in the English language concisely and truly stating:

- (1) The net weight of the contents of the container or bulk lot;
- (2) The brand or trade name of the feed;
- (3) The name and address of the person responsible for placing the feed on the market;
- (4) The minimum percentage of crude protein;
- (5) The minimum percentage of crude fat;
- (6) The maximum percentage of crude fiber;
- (7) The official common English name of each ingredient used in its manufacture.

- (8) In the case of mineral feeds or mixed feeds containing more than a total of five per cent of one or more added mineral ingredients, the minimum percentage of calcium, phosphorus, iodine and the maximum percentage of salt, must be declared if present. Provided, that if no nutritional properties other than those of a mineral nature be claimed for a mineral feed product, the percentage of crude protein, crude fat, and crude fiber may be omitted.
- (9) In case dietary factors in forms not expressible in the foregoing are claims for feeds, the label should include such guarantees as may be determined and prescribed by the State Board of Agriculture to fully inform and protect the purchaser.

No person shall distribute any commercial feed in this State unless he has registered such feed with the State Board of Agriculture. Such registration shall include the label referred to in Section 3 of this Act, with the exception of net weight, for each brand of commercial feed, and the application for registration shall be accompanied by a label and upon request a package containing at least one pound of the commercial feed to be registered. All registrations shall be subject to acceptance and approval by the State Board of Agriculture.

The State Board of Agriculture shall have the power to refuse to register, or may cancel, the registration of any commercial feed under a brand or trade name which would be misleading or deceptive, or which would tend to mislead or deceive as to the materials of which it is composed, or when the recognized official common English name of each and all ingredients used in its manufacture are not stated; and shall also have the power to refuse to register more than one commercial feed under the same name when offered by the same manufacturer. Should the registration of any commercial feed be accepted in this

State, and it is afterwards discovered that such registration or the commercial feed being sold thereunder is in error or in violation of any of the provisions of this Act, the State Board of Agriculture shall have the power to cancel such registration.

Whenever any person distributing a brand of commercial feed shall have registered such feed in accordance with the terms and provisions of this Act and has paid the inspection fees required, no other person shall be required to file such registration statement or pay such inspection fees upon that particular registered brand.

The duties and authority connected with the enforcement of this Act and rules and regulations shall be vested in the State Board of Agriculture, which may act through its authorized agents:

- (1) To inspect, sample, test or make analysis of any commercial feed distributed or manufactured in this State.
- (2) To have free access during regular business hours to all places of business, mills, buildings, carriages, cars, trucks, railroad cars sealed or unsealed, and parcels of whatsoever kind used in this State in the manufacture, transportation, importation, distribution, or storage of any commercial feeds, for the purpose of taking official samples and to make inspections as may be deemed necessary to determine if said feeds are in compliance with the provisions of this Act and rules and regulations made hereunder.
- (3) To issue and enforce a written or printed "stop-sale" or "tie-up" order on any commercial feed found in violation to any of the provisions of this Act or rules and regulations.
- (4) To employ and fix the compensation of qualified persons and to incur such other expenses as may be necessary for administering and enforcing

all the provisions of this Act.

- (5) To publish or cause to be published the results of inspections and analyses of samples collected, together with such additional information as may be deemed advisable.
- (6) To administer, enforce, and carry out all of the provisions and requirements of this Act and rules and regulations made hereunder.

It shall be unlawful for any person to distribute commercial feed within this State:

- (1) Unless the registration and labeling conform to the provisions of this Act and rules and regulations made pursuant hereto.
- (2) Unless all inspection fees have been paid as required by this Act.
- (3) If such feed is misbranded, adulterated, falsely labeled, or misrepresented in any way.

It shall be unlawful for any person within this State:

- (1) To hinder or obstruct in any way any authorized person in the performance of his duties under this Act.
- (2) To dispose of commercial feed on which a stop-sale order has been issued under the provisions of this Act and rules and regulations made pursuant hereto.

It shall be unlawful for any person to distribute commercial feeds within this State:

- (1) Which contain rice hulls, elevator dust, whole or injurious weed seed, poisonous or deleterious substances, or any other similar material that may be injurious to the health of animals or birds.
- (2) Which bear any added hulls, shells, screenings, straw stalks, corn cob or shuck, or any other harmless material having low feeding value, unless the name and percentage of each such material are

clearly and prominently printed on the label.

- (3) Which do not fully comply with all the provisions and requirements of this Act and rules and regulations prescribed.

Any lot of feed found in violation of any of the provisions of this Act or rules and regulations of the State Board of Agriculture shall be subject to seizure, condemnation, disposition or sale as a District Court may direct. The Court may, in its discretion, release the feed so seized when the provisions of this Act have been complied with, upon payment of all costs and expenses incurred by the State in any proceedings connected with such seizure.

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Grain inspection

- PURPOSE:
1. To get pupils to understand the importance of grain inspection.
 2. To get pupils to understand the grain standards set up by the Federal Government.

PIVOTAL POINTS:

1. Why are grain standards necessary?
2. What value are grain standards to the farmer?
3. Must the farmer have his grain inspected?
4. How does a person become a State Grain Inspector?
5. What are the duties of State Grain Inspectors?
6. What are some of the things a Grain Inspector checks?
7. Does a State Grain Inspector have the privilege of entering the premises of others for securing samples of grain for inspection?
8. What is a requirement of a State Grain Inspector inspecting grain in a railroad car?
9. How much does it cost a farmer to get a State Grain Inspector to inspect his grain?
10. Where can containers be obtained to send grain to be graded by the State Grain Inspector?
11. What is the purpose of these containers being air tight?
12. How much do these containers hold?
13. How much do these containers cost?
14. What is a wagon probe which all buyers of grain are required to have?

METHODS: Supervised study, discussion, trip to the elevator and discussion with grain buyer

REFERENCES: Oklahoma Statutes, 1941, pp. 178-80
U.S.D.A. Publications

GRAIN INSPECTION

The State of Oklahoma hereby adopts the grades for grain as established under the United States Grain Standards Act that have become effective, and as they may hereafter become effective, and they shall be the official grades of the State and all grain on which the grades are effective under the United States Grain Standards Act, bought and sold in the State must be on the grades adopted by the State.

The men appointed as State Grain Inspector and Assistant State Grain Inspector shall have passed the necessary examination and shall have been issued a Federal license to inspect grain.

The State Grain Inspection Department shall maintain adequate inspection facilities for the benefit of farmers and the grain and milling trade and give grain grading demonstrations from time to time at convenient points in the State for the benefit of farmers and grain dealers. It shall maintain a publicity department for the purpose of instructing farmers of the advantages to be gained by learning the correct grade and moisture content of their grain and to assist in keeping them informed of new developments in research work that is constantly being carried on by the United States Department of Agriculture and by different wheat growing States for the improvement of grain.

The State Inspector and any inspectors and samplers that are appointed by the State Inspector shall have the privilege of entering upon the premises of any mill, grain elevator, or railroad yards for the purpose of securing samples of grain for inspection, and any person who shall hinder or obstruct or in any way interfere with them in the performance of their duties or who fails or refuses to conform to the rules and regulations of the Board of Agriculture made in conformity with this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not less than Twenty-five

(\$25.00) Dollars, or more than One Hundred (\$100.00) Dollars. The inspectors and samplers will comply with the rules of the railroads in resealing cars from which samples have been taken and in furnishing their agents with a record of the seal removed and the one applied.

The State Board of Agriculture will create a Board of Appeals to act in cases where either the buyer or seller of grain wishes to appeal from the grade established by an inspector on grain over which the United States Department of Agriculture has no jurisdiction under the United States Grain Standards Act.

The Board of Appeals shall consist of two or more persons who are competent to arrive at the correct grade of the grain as established by the United States Grain Standards Act and shall be appointed by the State Board of Agriculture to act in case of an appeal. The Board of Appeals shall issue a State certificate showing the grade they placed on the grain and this certificate shall supersede that of the inspector from which the appeal was taken.

There shall be no charge made for inspections performed for farmers and grain raisers of the State by the State Grain Inspection Department when the samples are furnished the department without expense to the State.

In order that the farmer may have the privilege of selling his wheat on State inspection where such arrangement can be made with the buyer, it shall be the duty of every mill, elevator or other buyer who buys and ships grain to keep on hand at all times a supply of air tight containers that will hold approximately two quarts of grain, so that this much of the sample that is sent in for inspection will not lose its moisture before it has been graded. The grain dealer may charge the farmer for this container at cost price.

All mills, elevators and grain buyers who buy and ship grain shall keep

on hand at all times a wagon probe not less than thirty (30) inches in length, with which a representative sample of each wagon load may be taken. Where it is agreed between the buyer and seller to settle on basis of the grade established by the State Inspection Department, the sample on which the grade is based may be agreed upon by the buyer and seller or may be secured by a licensed sampler if one is available. A charge of One (\$1.00) Dollar may be made on inspection of this kind against the buyer of the grain. ¹

¹ Oklahoma Statutes, 1941, pp. 178-80

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: $\frac{1}{2}$

PROBLEM: Understanding laws pertaining to the labeling of seed.

- PURPOSE:
1. To get pupils to understand why regulations are necessary.
 2. To get pupils to understand what regulations are set up and how they affect the farmer.

PIVOTAL POINTS:

1. Is it a requirement for each container of seed for planting purposes to be labeled?
2. What is included on the label?
3. What per cent of other seeds must there be in seed to be considered mixed seed?
4. If seed is mixed must it be written on the label?
5. Is it necessary to have a license to sell seed?
6. What agencies determine whether a crop can be certified?
7. Where do certification agencies get their money for operation?

METHODS: Supervised study, discussion, field trip

REFERENCES: Oklahoma Statutes, 1941, pp. 196-200
Oklahoma Statutes, 1949, Cumulative Supplement, pp. 41-43

SEEDS

Each bag, container, package, bundle or bulk of agricultural seed or vegetable seed and plants which are sold, offered for sale, or exposed for sale by any person within the State of Oklahoma for planting purposes, shall bear a plainly written or printed label or tag giving the following information:

(a) For agricultural seeds; (1) commonly accepted name as to kind and variety, or kind and type of each agricultural seed in excess of five (5%) per cent of whole. Where other seeds are more than five (5%) percent of the whole, the word "mixture" or "mixed" shall be shown on the tag. (2) Lot number. (3) Origin. (4) Percentage mechanical purity. (5) Percentage by weight of all weed seeds. (6) The name and approximate number of each kind of primary or secondary noxious weed seed per pound when present in any amount. (7) Percentage by weight of agricultural seed, other than the one required to be named on the label. (8) Percentage by weight of inert matter. (9) For each named agricultural seed, (a) percentage of germination, (b) percentage of hard seed, (c) total germination and hard seed, and (d) the calendar month and year the test was completed to determine such percentages. (10) Name and address of the person or persons who labeled the seed or who sells, offers or exposes the seed for sale within the State.

It shall be against the law for anyone to sell, offer for sale, or expose for sale any agricultural seed and plants in the State of Oklahoma without a license. ¹

Every person, firm, association, or corporation subject to the provisions of this Act shall observe, perform and comply with all rules, regulations and

¹ Oklahoma Statutes, 1949, Cumulative Supplement, pp. 41-43

requirements fixed, established or specified by the Agricultural Experiment Station and the Agricultural Extension Division of the Oklahoma Agricultural and Mechanical College as to what crops grown or to be grown in Oklahoma shall be eligible for certification.

Certification work, whether conducted by the Agricultural Experiment Station and the Agricultural Extension Division of the Oklahoma Agricultural and Mechanical College, or by an agency designated by it, shall be on a self-supporting basis and not for financial profit.²

² Oklahoma Statutes, 1941, pp. 196-200

PROBLEM PLAN

- YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1
- PROBLEM: Understand the law concerning chemicals farmers may use in the control of diseases and parasites.
- PURPOSE: 1. To get pupils to understand the importance of regulations governing chemicals used to control diseases and parasites.
- PIVOTAL POINTS:
1. Why are regulations necessary?
 2. Who must comply to the regulations set up?
 3. What penalties are invoked if the law is violated?
 4. What does the term economic poison mean?
 5. What does insecticide mean?
 6. What is the definition of a weed?
 7. What does the term active ingredient mean?
 8. What is an antidote?
 9. Who examines economic poisons for the purpose of determining whether they comply with the requirements?
 10. Does an economic poison need to be labeled?
 11. What does herbicide mean?
- METHOD: Supervised study, discussion
- REFERENCES: Oklahoma Statutes, 1949, Cumulative Supplement, pp. 47-51

AGRICULTURAL CHEMICAL LAW

For the purpose of this Act:

(a) The term "economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the State Board of Agriculture shall declare to be a pest.

(b) The term "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents, or mitigating fungi or weeds, or such other pests as may be designated by the State Board of Agriculture (but not including equipment used for the application of economic poisons when sold separately therefrom).

(c) The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

(d) The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(e) The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the State Board of Agriculture shall declare to be a pest.

(f) The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

(g) The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied

classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(h) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(i) The term "weed" means any plant which grows where not wanted.

(j) The term "ingredient statement" means either -

1. A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

2. A statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except option (1) shall apply if the preparation is highly toxic to man, determined as provided in Section 5 of this Act); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(k) The term "active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, or other pests.

(l) The term "inert ingredient" means an ingredient which is not an active ingredient.

(m) The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

(n) The term "antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(o) The term "State Board of Agriculture" means the State Board of Agriculture of the State of Oklahoma.

(p) The term "registrant" means the person registering any economic poison pursuant to the provisions of this Act.

(q) The term "label" means the written, printed, or graphic matter on or attached to, the economic poison (or device) or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison (or device).

(r) The term "labeling" means all labels and other written, printed, or graphic matter:

(1) upon the economic poison (or device) or any of its containers or wrappers;

(2) accompanying the economic poison (or device) at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison (or device), except when accurate, non-misleading reference is made to current official publications of the United States Departments of Agriculture or Interior, the United States Public Health Service, State Experiment Stations; State Agricultural Colleges, or other similar Federal institutions or official agencies of this State or other States authorized by law to conduct research in the field of economic poisons.

(s) The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(t) The term "misbranded" shall apply:

(1) to any economic poison (or device) if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison --

- a. if it is an imitation of or is offered for sale under the name of another economic poison;
- b. if its labeling bears any reference to registration under this Act;
- c. if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;
- d. if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;
- e. if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container can not be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;
- f. if any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or
- g. if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison.

(a) The State Board of Agriculture shall be authorized, after opportunity for a hearing;

(1) to declare as a pest any form of plant or animal life or virus which

is injurious to plants, men, domestic animals, articles, or substances;

(2) to determine whether economic poisons are highly toxic to man, and

(3) to determine standards of coloring or discoloring for economic poisons.

(b) The State Board of Agriculture shall be authorized, after due public hearing, to make appropriate rules and regulations for carrying out the provisions including rules and regulations providing for the collection and examination of samples of economic poisons (or devices).

(c) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, and to avoid increased costs to the people of this State due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, it is desirable that there should be uniformity between the requirements of the several States and the Federal Government relating to such poisons. To this end the State Board of Agriculture shall be authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this Act, as have been or may be prescribed in the United States Department of Agriculture with respect to economic poisons.

(a) The examination of economic poisons (or devices) shall be made under the direction of the State Board of Agriculture for the purpose of determining whether they comply with the requirements. If it shall appear from such examination that an economic poison (or device) fails to comply with the provisions, and the State Board of Agriculture contemplates instituting criminal proceedings against any person, the State Board of Agriculture shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of

the State Board of Agriculture it shall appear that the provisions have been violated by such person, then the State Board of Agriculture shall refer the facts to the County Attorney of the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article provided, however, that nothing in this Act shall be construed as requiring the State Board of Agriculture to report for prosecution or for the institution of condemnation proceedings minor violations of the Act whenever it believes that the public interests will be best served by a suitable notice of warning in writing.

(b) It shall be the duty of each County Attorney, when any such violation is reported, to cause appropriate proceedings to be instituted and prosecuted in the proper court without delay.

(c) The State Board of Agriculture shall, by publication in such manner as it may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act. ¹

¹ Oklahoma Statutes, 1949, Cumulative Supplement, pp. 47-51

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Insect pests and plant diseases

- PURPOSE:
1. To get pupils to understand the laws governing the use of chemicals for insect pests and plant diseases.
 2. To get pupils to understand the importance of laws governing the use of chemicals.

PIVOTAL POINTS:

1. Who enforces the provisions made on insect pests and plant diseases?
2. How is the State Inspector obtained?
3. What is the duty of the State Inspector and his deputies?
4. What is the penalty for misrepresenting nursery stock?
5. Who can expend funds from the county erosion fund for the eradication of insects harmful to crops?
6. Who prescribes the rules and regulations for the poison materials furnished by the Board of County Commissioners?
7. Explain the spraying services the State Department of Agriculture renders.
8. What is the charge for using this service?
9. Does a person need a license to apply insecticides, herbicides or fungicides on his own land?
10. What agency makes and publishes the rules and regulations governing the use and application of all insecticides, herbicides, and fungicides?
11. How much does a permit fee cost for applying chemicals from the air?
12. What is the procedure for securing a permit for using chemicals?
13. What has been your experience with using chemicals to combat insect pests and plant diseases?

METHODS: Supervises study, discussion, conference, draw on local experience

REFERENCES: Oklahoma Statutes, 1941, pp. 180-85
Oklahoma Statutes, 1949, Cumulative Supplement, pp. 35-36

INSECT PESTS AND PLANT DISEASES

The President of the State Board of Agriculture shall appoint some person qualified by scientific training or practical experience to be State Inspector who shall strictly enforce the provisions of this Act as a police regulation of the State under the direction and control of the President of the Board.

It shall be unlawful for any person in this state knowingly to permit any dangerous insect or plant diseases to exist in or on his premises. It shall also be unlawful to sell, or offer for sale any stock infested or infected with such insect or disease.

(1) If the Inspector or his deputy shall find on examination any nursery, orchard, small fruit plantation, park, cemetery or private or public premises infested with injurious insects or plant diseases, he shall notify the owner or person having charge of such premises to that effect, and the owner or person having charge of the premises shall within ten days after such notice cause the removal and destruction of such trees, plants, shrubs or other plant material if incapable of successful treatment; otherwise cause them to be treated as the inspector may direct. No damages shall be awarded to the owner for the loss of infested or infected trees, plants, shrubs or other plant material under this act.

(2) If the owner, manager, operator or other person in charge of such premises shall refuse or neglect to carry out the orders and instructions of the Inspector within ten days after receiving such orders or instructions in written notice, he shall be deemed guilty and shall be punished as for a misdemeanor. Provided also that each separate day's failure to comply with the orders and instructions shall constitute a separate offense and shall be punished accordingly.

NURSERY STOCK, PLANTS OR SEEDS

It shall be unlawful for any person, firm, or corporation to sell, offer to sell, hold for sale or give away, any nursery stock, fruit trees, bushes, vines or fruits, grains, seeds, or vegetables, if the same are infected with injurious insects or infected with dangerous and contagious plant diseases.

It shall be unlawful to willfully misrepresent nursery stock which is offered for sale, or refuse to state where the same were propagated or the manner of propagation, or to sell, offer for sale, or delivery nursery stock which is untrue to name, or to sell seeds which have been adulterated, or seeds, which by reason of age have become deficient in vitality and germinating power or containing seeds of any noxious or injurious plants.

The violation of any of the foregoing provisions of this article shall be deemed a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than three hundred dollars, and in addition, any person, firm, or corporation engaged in the nursery business or any nursery agent, solicitor, or other person, who violates any of the provisions of this article shall forfeit the right to do business in the State of Oklahoma, and such agent or solicitor shall be disqualified to receive a permit to act as agent for any other nursery which operates in the State of Oklahoma.

ERADICATION OF GRASSHOPPERS AND INSECTS

The Board of County Commissioners in any county in the State of Oklahoma which is infested with grasshoppers or other insects injurious to agricultural crops, may expend any funds in the County Erosion Fund for the eradication of such grasshoppers and other insects, provided that no expenditure shall be made unless same is approved by the County Agent of the county in the manner provided by law.

The Board of County Commissioners is hereby authorized to purchase poison

and materials necessary to mix same and to cause such poisons and materials to be mixed for the purpose of eradicating any such grasshoppers or insects. The poisons and poison materials may be furnished by the Board of County Commissioners to needy farmers and ranchers who will use such materials for the eradication of grasshoppers under such rules and regulations as may be prescribed by the County Agent. The Board of County Commissioners is hereby authorized to expend such monies as they shall deem necessary out of the County Erosion Fund for the purpose of handling, storing, and mixing such poisons and materials. All claims for materials, services and storage shall be paid out of the County Erosion Fund by warrants issued by the County Treasurer on claims approved by the County Commissioners and the County Agent. ¹

SPRAYING

In order to provide for the more effective control and eradication of external parasites, insect pests and diseases affecting livestock and the elimination of plant diseases and noxious weeds, the State Department of Agriculture is hereby authorized and directed to provide, maintain and operate a spraying service throughout the State of Oklahoma for the application of insecticides, weedicides, and fungicides at the request of persons desiring such service, and to charge persons using such service a fee which will be sufficient to pay, but not in excess of, the cost of chemicals and labor used in providing such service and the cost of maintaining and operating the necessary equipment.

The State Department of Agriculture is further directed to advise the public of the advantages to be obtained from, and the availability of, such service in order to encourage and obtain the widespread control and eradication

¹ Oklahoma Statutes, 1941, pp. 180-85

of such parasites, diseases, and noxious weeds.

The State Department of Agriculture is further directed to make public a schedule of standard rates and fees for such services and advise the public that such standard rates and fees apply alike to all persons requesting and using such services.

Any person, firm or corporation who uses or applies any insecticides, herbicides or fungicides on any agricultural lands in this State shall first obtain a permit therefor from the State Board of Agriculture and pay the permit fee herein provided for unless expressly exempted therefrom by the provisions hereof.

Any person, firm or corporation who uses or applies any insecticides, herbicides or fungicides on any lands in this State shall keep an accurate record of each application of transaction, showing the name or names of the recipients thereof, the date of each transaction and delivery and the amount of such insecticide, herbicide or fungicide so applied or used, a current inventory of all insecticides, herbicides and fungicides in his possession, and any additional data and information required by the State Board of Agriculture and its authorized representatives. Provided, that any person applying insecticides, herbicides and fungicides on land he owns or controls, and any person engaged solely in the business of exterminating termites or household insects, shall be exempt from the provisions of this Act.

The State Board of Agriculture shall make and publish rules and regulations governing the use and application of all insecticides, herbicides and fungicides, which rules and regulations shall conform, as far as possible, to the recommendations of the United States Department of Agriculture and of the Oklahoma Agricultural and Mechanical College, and such other rules and regulations as may be necessary to administer and carry out the provisions of

this Act. All such rules and regulations shall be published by the State Department of Agriculture in printed form and shall be available to the public.

No permit shall be issued under the provisions of this Act until the applicant therefor has paid a permit fee to the State Board of Agriculture in the amount of Twenty-five Dollars (\$25.00) for aerial applicators, and the amount of Five Dollars (\$5.00) for all other applicators, which shall be deposited in the Department of Agriculture Trust Fund, and each permit shall expire at the end of the calendar year in which it is issued; and no permit shall be issued until the applicant has executed and filed with the State Board of Agriculture a corporate surety bond guaranteeing a faithful performance of any contract the applicant makes for the use or application of insecticides, herbicides or fungicides. Such bond may be required and may be in an amount fixed by the rules and regulations of the State Board of Agriculture. ²

2 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 35-36

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: $\frac{1}{2}$

PROBLEM: Understand legal restrictions and liabilities pertaining to prairie fires.

PURPOSE:

1. To get pupils to understand the importance of restrictions pertaining to setting fires.
2. To get pupils to understand the regulations set up pertaining to setting fires.

PIVOTAL POINTS:

1. What is the procedure a person should follow in burning his stubble, pasture, etc.?
2. Who is held responsible for fires that get out of control?
3. Is it legal to set fire at night?
4. If a fire gets out of control accidentally is the person guilty held responsible for the damages?
5. How large a fire guard should there be plowed or burned?
6. What is the cause of most prairie fires?
7. How can prairie fires caused by carelessness be prevented?
8. Discuss your experiences with prairie fires.

METHODS: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 194-95

PRAIRIE FIRES

If any person shall set or cause to be set on fire any woods, marsh or prairie, or any grass or stubble lands except as hereinafter provided, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined a sum not more than five hundred dollars nor less than ten dollars, or imprisonment in the county jail for a period not longer than six months, one or both at the discretion of the court, and shall also be liable in a civil action to any person or persons damaged by such fire to the amount of such damages.

For the purpose of destroying any grass or stubble that may be on any piece of land at the time any person commences to break or plow the same, it shall be lawful for such person to set the same on fire, after having first given at least twelve hours' notice to all persons living on adjacent lands of his intention to set out such fire, giving time when and the place where the fire is to be set: Provided, that at the time of setting such grass or stubble on fire there shall be a strip of land well plowed or burned over at least twenty feet in width, completely encompassing the place where such fire is set.

If any fire should by accident and without any fault or neglect of the person setting the same, get beyond his control, such person shall be liable as provided in the second preceding section for all damages done by said fire, but not otherwise. But if such fire should by negligence, carelessness or oversight be intentionally permitted to spread beyond the bounds of such strip of land mentioned in the preceding section, then the person setting such fire shall be liable both civilly and criminally as provided in the second preceding section.

Fire set shall not be allowed to spread beyond the control of the person setting the same and shall be subdued and extinguished the same day on which

it is set.

If any person shall willfully, negligently or carelessly set or cause to be set on fire any woods, marsh or prairie in the State, or if any person having made any camp or other fire shall leave the fire without having thoroughly extinguished the same, so that the fire shall spread and burn any wood, marsh or prairie, the person guilty of setting or causing to be set such fire, or leaving such camp or other fire without having thoroughly extinguished the same, so that the fire shall spread therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed two hundred dollars, or imprisoned in the county jail not more than one year, or by both such fine and imprisonment in the discretion of the court, and shall also be liable in a civil action to any person, damaged by such fire to the amount of such damage. ¹

¹ Oklahoma Statutes, 1941, pp. 194-95

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1½

PROBLEM: Understand laws governing contagious diseases of animals.

- PURPOSE:
1. To get pupils to understand the importance of controlling contagious diseases of animals.
 2. To get pupils to understand the importance of cooperating with Federal and State Agencies.

PIVOTAL POINTS:

1. Explain the procedure used by the State Veterinarian when he finds cattle with foot and mouth disease.
2. What is the penalty for anyone interfering with the work of any officer of the State Board of Agriculture while trying to do his duty?
3. What is the procedure used when a herd of hogs has chlorea?
4. Are swine that have been vaccinated with serum and virus considered infected hogs?
5. Discuss your experiences with hog chlorea.
6. What is the procedure in becoming qualified to administer hog chlorea serum and virus?
7. Is a person allowed to vaccinate his own hogs?
8. What letter is used to brand "T.B." cattle?
9. Where is the letter "T" branded on infected cattle?
10. What is the maximum amount the State can pay for "T.B." cattle destroyed?
11. What determines whether the State pays indemnity for "T.B." cattle?
12. What has been your experience with "T.B." cattle?
13. How are cattle tested for bangs?
14. What is the letter branded on the left jaw of cattle that have bangs?
15. What has been your experience with bangs?

METHODS: Supervised study, discussion

REFERENCES: Oklahoma Statutes, 1941, pp. 146-50
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 27-28

FOOT AND MOUTH DISEASE

Whenever any live stock within this State is found to be affected with foot and mouth disease or has been exposed thereto, or if there is reason to believe that such live stock may be so affected or exposed, the State Veterinarian, or his authorized representative, shall have authority and is hereby empowered to enter at any time, any premises or enclosures, housing or containing such diseased, exposed, or suspected live stock for the purpose of inspection and examination. Premises containing any live stock affected with or exposed to foot and mouth disease shall be immediately quarantined by the State Veterinarian or by his duly authorized representative in such manner as in his judgment will be most effective in preventing the further spread thereof, and he shall cause all diseased and exposed susceptible animals contained or housed on said premises to be slaughtered and the carcasses thereof to be burned or buried, and the State shall be liable for fifty percent of the value of such slaughtered live stock; provided, that when, in the opinion of the State Veterinarian, such action is warranted for the purpose of limiting the spread of foot and mouth disease, all susceptible live stock within a given area adjoining to or contiguous with a point containing the infection of foot and mouth disease, may be slaughtered and the owners of such live stock shall be compensated therefor as provided herein; provided further, that all actual eradication of foot and mouth disease from live stock in this State shall be conducted jointly and in co-operation with the Bureau of Animal Industry, United States Department of Agriculture.

Any person, firm or corporation who willfully hinders or otherwise obstructs any officer of the State Board of Agriculture or of the Bureau of Animal Industry, United States Department of Agriculture, in carrying out the provisions of this Act or any part thereof, or any rules and regulations of

the State Board of Agriculture, or the United States Department of Agriculture, relating thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or by imprisonment of for not less than thirty (30) days or more than six months (6), or by both such fine and imprisonment.

HOG CHOLERA

All premises suspected of harbouring the infection of hog cholera or swine plague to the extent that swine thereon are dying, or showing visible signs of the disease, shall be visited by the State Veterinarian, or other state or county officer, or farmer, properly qualified and authorized by the Oklahoma State Board of Agriculture, an examination of said drove of swine and premises made, and on confirmation of the existence of the disease, the said official shall cause to be affixed to said premises in conspicuous places adjoining all main thoroughfares or roads, warning signs or cards bearing in prominent type the words, "Hog Cholera, Keep Out." Thereupon, it shall be unlawful for any sick or exposed hogs to be removed from or allowed to leave said premises for any purpose until the expiration of a period of forty days from said examination and posting. Said veterinarian or other official shall within twenty-four hours after his inspection of said premises report the location of any such outbreak of hog cholera and the measures taken for its control to the office of the State Board of Agriculture at Oklahoma City.

No person, firm or corporation shall sell, barter, exchange or give away swine that have been exposed to infection from hog cholera or swine plague within twenty-one days after all signs of the disease have disappeared, except that at the beginning of the outbreak of the disease, swine which show no symptoms may be separated and marketed as swine which have been exposed to hog cholera, and for immediate slaughter only. Hogs so separated and marketed from diseased

herds shall not be driven on foot along nor upon any public highway, but shall be transported to market or shipping point by wagon or vehicle only, and provided further, that such wagons and vehicles so used, and all railroad cars used for further transportation of such exposed swine to market shall be thoroughly cleansed and disinfected within twenty-four hours after unloading said cars at the place of unloading, and all litter or refuse from such vehicle or cars shall be burned within twenty-four hours after unloading. It shall be unlawful to clean or cause to be cleaned such vehicles or cars or to burn or cause to be burned such litter or refuse upon or along any public highway. All hogs dying from any disease shall be entirely burned by fire or quicklime within twenty-four hours after death.

Swine which have been vaccinated by the so-called simultaneous treatment (serum and virus) for the prevention of hog cholera, shall be classed as infected hogs and shall be subject to all quarantine and other regulations as provided herein, except that when actual cholera is not known to exist the period of quarantine shall be twenty-one days after date of vaccination.

No layman, veterinarian, physician, pharmacist nor any other person shall apply to swine the so-called simultaneous method of vaccination (serum and virus) within the State of Oklahoma, except as herein provided.

First: Any person desiring to apply to hogs the said treatment shall first creditably pass an examination at the hands of the Veterinary Department of the Oklahoma Agricultural and Mechanical College on the theory and practice of hog cholera, vaccination and sanitation, and under such rules and regulations as the said veterinary department shall prescribe.

Second: Any person desiring to apply to hogs the said treatment of hog cholera, virus and anti-hog cholera serum shall first take an examination under the direction of the Dean of Veterinary Science at the Oklahoma Agricultural and Mechanical College, at Stillwater, Oklahoma, or at some point

designated by the Dean that he may select to give such examination, and upon creditably passing such examination the Dean shall issue a certificate stating that the party is qualified and capable to administer such treatment; namely, serum and virus.

Upon certification of his standing to the Oklahoma State Board of Agriculture, he shall receive from the said Board a permit good for one year, authorizing the use of such treatment. At the expiration of the stated period said permit may be renewed without further examination, at the option of the State Board of Agriculture. All parties taking examination and receiving such certificate shall be first required to give a good and sufficient bond to the State of Oklahoma in the sum of one thousand dollars (\$1,000.00), such bond to be approved by the Oklahoma State Board of Agriculture, or someone designated by the said Board to approve such bond. Said permit may be cancelled by the State Board of Agriculture at any time within the stated period on presentation of proof satisfactory to the Board that the holder of such special permit is not using proper diligence or care in the administration of hog cholera serum or virus. Such person shall be liable on his official bond to the person or persons for all damages such person or persons sustains by reason of negligence or want of care in the administration of such serum or virus, and such person may sue upon such official bond in his own behalf for such damages. Every holder of such permit shall be empowered and be required to enforce all quarantine and other regulations specified herein with reference to hog cholera its presentation and sanitation, during the life of said permit; failure to report any outbreak of cholera to the office of the Oklahoma State Board of Agriculture within twenty-four hours after the quarantine has been declared shall be deemed sufficient cause for revocation of the permit.

Provided, that nothing in this section shall be construed to prevent any

actual owner of swine from personally administering serum and virus to his own swine on the farm which he owns or occupies.

And provided further, that upon the presentation of a petition signed by ten or more bona fide free holding farmers of the vicinity, asking that a certificate be issued to a person named therein, without his passing the examination, required in this Act, the president of the State Board of Agriculture shall issue such certificate.

BOVINE TUBERCULOSIS

All dairy cattle, and registered pure bred cattle found to be affected with tuberculosis, either by the tuberculin tests or physical examination, by qualified veterinarian, shall be branded immediately on the left jaw in capital form with the Roman letter "T", not less than two inches in width, and not less than three inches in length and have affixed to the left ear a designated metal tag and shall be forever considered as affected with tuberculosis. The owner or owners of such tuberculous cattle shall permit any representative of the State Board of Agriculture or the United States Bureau of Animal Industry or Accredited Veterinarian, to brand and tag all such animals for identification.

Any person, or the members of any firm or co-partnership, or the active managing officers of any corporation or any of the agents or employees of the persons above enumerated, who knowingly and intentionally sells, or offers for sale, or assists in the sale or trade, or who in any manner disposes or offers to dispose of in the State Of Oklahoma, any animal affected with tuberculosis, shall be guilty of a misdemeanor.

When cattle affected with tuberculosis are destroyed under the provisions of this Act, and it becomes necessary to compensate the owners or owner, the State Board of Agriculture shall agree, on the part of the state to pay from any funds available one-half of the difference between the appraised value of

each animal and the salvage value; provided, that in no case shall any payment by the state exceed fifty dollars (\$50.00), on any purebred and registered animal, nor more than twenty-five dollars (\$25.00) on any grade animal. The appraised value shall be arrived at in the following manner: a duly authorized representative of the State Board of Agriculture, or of the Bureau of Animal Industry, United States Department of Agriculture, acting with the owner, shall jointly constitute an appraising committee. If such committee fails to reach an agreement a disinterested third party shall be called in and a majority decision shall be final. All appraisals of such cattle must be reported to the State Board of Agriculture on forms provided for this purpose and must be signed by the joint committee.

All cattle which have been condemned for tuberculosis shall be slaughtered within a reasonable time following date of such condemnation.

No payment of indemnity shall be made by the state for any cattle found to be tuberculous in the following cases:

- (a) Unless slaughtered within a reasonable time after date of condemnation.
- (b) After any test, when the premises have contained tuberculous cattle have not been cleaned and disinfected in accordance with the rules and regulations of the State Board of Agriculture, and the Bureau of Animal Industry, United States Department of Agriculture.
- (c) For any cattle belonging to the state or federal supported institution.
- (d) For any cattle which the owner or claimant knew to be diseased at the time they came into his possession.
- (e) For any cattle unless the entire herd associated with them has been tested.
- (f) For any cattle which have not been within the state for a period of one year prior to being found affected with tuberculosis.

(g) For any cattle which have been moved intra-state or interstate in violation of state laws, rules and regulations of the State Board of Agriculture, or rules and regulations of the Bureau of Animal Industry, United States Department of Agriculture, ¹

BANGS DISEASE

A program for voluntary tests of livestock for Bang's disease shall be formulated and maintained by the State Board of Agriculture to help control and eradicate such disease among livestock of the State.

The test for Bang's disease shall be an agglutination test. The blood sample for such test shall be drawn by a person approved by the Board of Agriculture, and such blood sample shall be tested at the joint State-Federal laboratory or any other laboratory approved for such test by the State Board of Agriculture.

Whenever any livestock is tested for Bang's disease, the person drawing the blood sample therefor shall affix a metal tag, with a distinctive number thereon, to the right ear of each animal tested, and shall make a written report, showing the result of the test as to each animal, to the State Board of Agriculture within five (5) days after the test is completed. The report shall be signed by such person and an authorized representative of the laboratory making the test, and shall be on a form prescribed by the State Board of Agriculture. It shall show the number on the tag that was affixed to each tested animal's ear and descriptive markings of each such animal, or registration tattoo, name and number if the tested animal was a registered animal. Provided, it shall not be necessary to ear tag any registered animal if the registration tattoo, name and number of such animal is shown on the report required

¹ Oklahoma Statutes, 1941, pp. 146-50

by this Section.

If any animal has given a positive reaction to such test, the State Veterinarian shall declare the animal to be infected with Bang's disease, unless the animal has been officially vaccinated, and shall immediately notify the person who drew the blood sample for the test, who shall place a permanent brand on the left jaw of the animal with the letter "B", which shall be not less than three inches (3) in height, and affix a metal tag, inscribed "Bang's Disease Reactor", to the left ear of the animal. Provided, it shall not be necessary to brand any registered animal declared infected with such disease if the registration tattoo, name and number of such animal is shown on the report required by the preceding Section and proper notation of such animal's infection with Bang's disease is made on such report.

All livestock declared to be infected with Bang's disease under the provisions of this Act shall be quarantined on the premises, and shall not thereafter be sold, given away or otherwise disposed of except for slaughter, or for sale into a herd of like status upon a written permit from the State Veterinarian. ²

² Oklahoma Statutes, 1949, Cumulative Supplement, pp. 27-28

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Stockyards and community sales

- PURPOSE:
1. To get pupils to understand laws governing the stockyards and community sales.
 2. To get pupils to understand the importance of having laws governing stockyards and community sales.

PIVOTAL POINTS:

1. Why is it a good idea to know how community sales are supposed to operate?
2. What is your experience with community sales?
3. What is considered a community sale?
4. What records is the person conducting a community sale required to keep?
5. Who gets a copy of the records kept on animals sold at community sales?
6. How long is a person conducting a community sale required to keep a record of each animal sold?
7. If the person running the auction sale quits what becomes of his permanent records?
8. Who inspects the scales at the community sale?
9. Is the lessee allowed to feed his animals his own feed while they are in the stockyards?
10. Does the lessee or the lessor own the feeding pens?
11. Discuss your experience with stockyards.
12. What is a disbursal sale?

METHODS: Supervised study, discussion, conference

REFERENCES: Oklahoma Statutes, 1941, p. 240
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 79-80

STOCKYARDS

In all cases any shipper of livestock that has contracted with any person, firm or corporation for the use of feeding pens or impounding pens in stockyards in the State of Oklahoma where said lessee keeps livestock for the purpose of disposing of them to packing plants or otherwise, the lessee shall have the right and is hereby authorized and empowered to furnish feed for the purpose of feeding the livestock without purchasing the feed from the lessor of the pens or any other person.

Any person, firm or corporation who refuses to permit the lessee of pens to furnish their own feed and feed their own livestock while impounded in pens belonging to lessors, shall be guilty of a misdemeanor, and punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. ¹

AUCTION OR COMMUNITY SALES OF LIVESTOCK

(a) The term "person", as used herein, means and includes any individual, firm, partnership, association, company, organization or corporation.

(b) The term "community sale", as used herein, shall include the services and facilities offered and performed by any person operating a so-called auction sale or auction barn, or community sale, by whatever name denominated; and means and includes any sale or series of sales, exchanges or purchases of swine, sheep, goats, cattle, calves, horses or mules, made at regular or irregular intervals at an advertised or established place or places in this State, by any person, directly or indirectly, for or on the account of the producer,

¹ Oklahoma Statutes, 1941, p. 240

owner, or consignor thereof, at public auction or at private sale upon premises owned or controlled by the conducting person; provided, however, that said term shall not include one (1) sales, exchanges or purchases when made at or upon a public livestock market where federal veterinary inspection is regularly maintained under the supervision of the Bureau of Animal Industry of the United States Department of Agriculture; or two (2) a disbursal sale made by a person who is permanently discontinuing the business of farming, dairying, breeding or raising animals; or three (3) the sale of any person on his own premises of any such livestock which he has raised in the regular process of farming, pasturing or feeding.

Every person conducting a community sale as defined herein shall keep permanent records showing the date of sale and each and every transaction had upon said premises, whether at advertised public auction or by private agreement; and such records shall show the date of each such transaction, the number and species of the animals, the breed and sex, the marks or brands on each animal, the color and approximate age of each animal sold or offered for sale; the location from which such animals have been removed to the sale barn or place of sale; and shall show the names and addresses of both buyer and seller. The records shall be kept in triplicate, one (1) copy to buyer, one (1) to seller and the original kept on file at the place of business of sales for a period of one (1) year, if and when such places be open for business, otherwise to be kept within the county of such sale at the residence or place of business of one who conducts such sale or is responsible therefor, or in the hands of an authorized agent of sale; and such records shall be open to public inspection at all reasonable times.

If any such person shall discontinue the business of conducting any such community sale, it shall be his duty forthwith to deliver all permanent records

kept as provided herein to the sheriff of such county; and such records shall under no circumstances be discarded or destroyed within one (1) year from the date of the transaction recorded.

Every person who shall fail or refuse promptly to record in detail the transactions defined and information required by the terms, or who shall fail safely to keep and exhibit upon request any or all of the records, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be punished as provided by law.

It shall be unlawful for any person to buy or offer to buy livestock on the premises owned and used by a person or corporation operating a community sale before such livestock has been regularly consigned for sale.

2 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 79-80

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1

PROBLEM: Marks and Brands

- PURPOSE:
1. To get pupils to understand the importance of regulations concerning marks and brands.
 2. To get pupils to understand why it is necessary to have legal regulations concerning marks and brands.

PIVOTAL POINTS:

1. Why is it necessary to have legal regulations concerning marks and brands?
2. What is the purpose of marks and brands?
3. How long is a person butchering stock or purchasing hides or pelts required to keep the hides with horns and ears?
4. What is a brand?
5. What agency approves brands for registration?
6. How often is the State Brand Book published?
7. On which of the body regions may a brand be located?
8. What is the procedure for getting a certain brand accepted in the State Brand Book?
9. How often does a brand terminate unless re-registered?
10. How much is the re-registration fee?
11. For whom are the brands "B" or "T" on the left jaw of cattle reserved?
12. What do the brands "B" and "T" denote when on the left jaw of cattle?
13. What has been your experience with marks and brands?

METHODS: Supervised Study, discussion

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 141-42
 Oklahoma Statutes, 1941, pp. 236-240
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 76-78

MARKS AND BRANDS

All parties butchering stock or purchasing hides or pelts, in the State, shall be required to keep a record of the marks, brands, colors, from whom purchased, and by the party butchering, the sex and age. They shall be required to keep all hides together, with horns and ears complete, for at least five days from the time of butchering the same during the months of May, June, July, August, September and October, and, during the remaining months of the year, ten days, said hides to be free for inspection to anyone wishing to see the same. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars or shall be imprisoned in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment.

Any person who shall burn, or in any manner destroy any cattle hides, or cut or destroy any brands on same, shall be guilty of a misdemeanor.¹

Any person who shall with intent of defraud, brand or misbrand, mark or mismark any cattle, horse, sheep, goat, ass, mule, swine, poultry or other domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous brand or mark, on any cattle, horse, sheep, goat, ass or mule, swine, poultry or other domestic animal, shall be punished by imprisonment in the penitentiary not exceeding ten (10) years, or by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00).

STATE REGISTRATION OF MARKS AND BRANDS

(a) The term "Director" shall mean that person employed by the State

¹ Oklahoma Statutes, 1941, pp. 236-40

Board of Agriculture to administer the Act;

(b) A "Brand" is a permanent identification mark of which the letters, numbers and figures used are each three (3) inches or more in length or diameter and are burned into the hide of a live animal with a hot iron, and is to be considered in relation to its location on such animal, and such term relates to both the mark and location;

(c) A "Mark" is a permanent identification cut from the ear or ears of a live animal;

(d) The term "Animal" means any cattle, horse or mule;

(e) The term "Livestock" means any cattle, horse or mule;

(f) The term "Board" shall mean the State Board of Agriculture;

(g) The term "Division" shall mean the Division of Brand Registry; and

(h) The term "Act" shall mean the State Brand Law.

There is hereby created under the State Board of Agriculture within said State Department of Agriculture a Division of Brand Registry; said Division shall consist of a director and such personnel as may be necessary to carry out the provisions of this Act. The Director shall be employed by the State Board of Agriculture; the State Board of Agriculture shall serve as an Adjudicating Committee in the matter of deciding and determining conflicts of brands, and their decision shall be final.

The Director shall be, and is hereby, empowered to publish a State Brand Book which shall contain a facsimile of each and every brand and mark that is registered with the Division showing the owner's name and address, together with the pertinent laws, rules and regulations pertaining to brand registrations and re-registration of brands.

The State Board of Agriculture shall approve brands for registration and issue certificates of approval, hire personnel, fix salaries, and administer the provisions of this Act.

After the passage of this Act all county brand records of the various counties of the State of Oklahoma shall be the property of the Division of Brand Registry within the State Department of Agriculture, and it shall be unlawful for any county clerk to accept any brand for registry. Said Division of Brand Registry shall collect all county Brand Record Books and place the same in their office and preserve the same as public records. The Division will furnish a record of any brand record in the County Record Books to any party and/or parties for a fee of One (\$1.00) Dollar per Brand.

Immediately upon receipt of the Brand Record Books for the respective counties, the Director of Brand Registry shall notify each holder of a brand, that said Division is in existence and that said Division will, on or before July 1, 1950, and every five (5) years thereafter, cause to be published a State Brand Book showing all Brands recorded with the Division prior to April 1, 1950, and every five (5) years thereafter. Any non-registered county brand shall have the same status as a registered county brand not on record within said County Brand Book. The Division shall prepare a standard form which shall be mailed to all holders of registered county brands and be made available by the Division to others who desire to apply for a brand. The application shall show a front, rear, left and right side view of the animals upon which brand will be eligible for registry. The brand location shall be designated to the following body regions: head, bregma, right jaw, neck, shoulder, rib and left jaw, neck, shoulder, and rib. The applicant shall select not less than three (3) locations on the animal and list them in preferred order, and he shall likewise select three (3) locations on the animal and list them in preferred order. Said application shall be properly signed and notarized and accompanied by a fee of Three (\$3.00) Dollars. Said brand, if approved and accepted by the Division, shall be of good standing during the

five (5) year period in which it is recorded.

All brand applications so passed upon shall be sorted in a systematic manner and published in the First Edition of the State Brand Book, which shall be published on or before July 1, 1950. Hereafter, supplements shall be published after three (3) months, and every five (5) years a revised brand book shall be published. Prior to publication of any revised State Brand Book all registered brand owners and assignees in the previous book or supplement thereto shall be notified in writing that their brand has terminated and that said brand must be renewed. Said re-registration fee of Three (\$3.00) Dollars shall be charged for the ensuing five (5) year period, or a fraction thereof.

The State Brand Book, and all supplements thereto for the five (5) year period shall be sold to the public for Five (\$5.00) Dollars and the original State Brand Book shall sell for Three (\$3.00) Dollars, and any supplement to any Brand Book shall be sold at fifty (50¢) cents each. The county clerk and the sheriff of each county shall receive all brand books and supplements thereof without cost to their respective county.

There is hereby reserved to the State the Brands of "B" and "T" on the left jaw of any cattle, and it shall be unlawful for any person to use same. Cattle carrying these brands shall be claimed as reactors to brucellosis abortus "Bang's Disease" and Tuberculosis "T.B." From and after the passage of this Act only brands appearing in the current edition of the State Brand Book and supplement thereto shall be subject to sale, assignment, transfer, devise or bequest, the same as other personal property. Such transfer title must be recorded with the Division of Brand Registry and the fee for recording same shall be One (\$1.00) Dollar.

All persons selling livestock branded with their brand or brand and mark recorded in a current State Brand Book or Supplements thereto, shall execute a written transfer of ownership to the purchaser. Should the purchaser suffer

any damages due to seller's failure to execute a written transfer of ownership, then said seller shall be liable for any and all damages decided upon by any court of competent jurisdiction. ²

² Oklahoma Statutes, 1949, Cumulative Supplement, pp. 76-78

PROBLEM PLAN

YEAR TAUGHT: Agri. II MONTH: February PERIOD: 1

PROBLEM: Liens for feeding, grazing, herding and breeding.

- PURPOSE:
1. To become familiar with the laws governing liens on livestock being fed by someone else other than the owner.
 2. To understand the liability of the person who has animals bred.

PIVOTAL POINTS:

1. Does a person training an animal have a lien on the animal until he is paid?
2. Does the person who does the feeding and furnishes the feed to someone else's animals have a lien on the stock?
3. How is the lien on stock enforced?
4. Discuss the way it is handled in your community.
5. What is the procedure of advertising a stallion, jack or bull?
6. What is the penalty for falsely representing the pedigree of a stallion, jack or bull?
7. Does the owner of a stallion, jack or bull have a lien on females bred until the breeding fee is paid?
8. What is the obligation of a person who has a stallion, jack or bull to the person breeding a registered female of the same breed to his male?
9. What has been your experience with breeding fees?

METHOD: Supervised study, discussion, conference, use local illustration

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 147-48
Oklahoma Statutes, 1941, p. 220, pp. 231-36

LIENS FOR FEEDING, GRAZING, HERDING AND BREEDING

Any person employed in feeding, grazing or herding any domestic animals, whether in pasture or otherwise, shall, have a lien on said animals for the amount due for such feeding, grazing or herding.

Any person, partnership, firm or corporation in this State, or in any border county of the adjacent States, furnishing or providing to the owner of such domestic animals any corn, feed, forage or hay, for the sustenance of such domestic animals, shall have a lien on said animals for the amount due for such corn, forage, feed and hay.

Every person who shall keep, board or train any animal, shall, for the amount due therefor, have a lien on such animal, and on any vehicle, harness or equipment coming into his possession therewith, and no owner or claimant shall have the right to take any such property out of the custody of the person having such lien, except with his consent, or on the payment of such charge; and such lien shall be valid against said property in the possession of any person receiving or purchasing it with notice of such claim.

The lien provided for in the preceding section shall be enforced as follows: The person claiming the lien shall file with a justice of the peace, or other court having competent jurisdiction in the county in which he resides, a complaint, duly verified by himself, his agent or attorney, setting forth his account and a description of the property on which the lien is claimed and thereupon the court shall issue a summons, duly served, shall set the cause for hearing at any time after the lapse of one day, if summons be returned "defendant not found," and if it be proved to the satisfaction of the court that the defendant is not a resident of the county, the court shall order a notice of the proceedings to be published for three successive days, in a daily newspaper, if one be published in the county, and if there be none, then once in a weekly, if one be published in the county, then by six handbills

put up in six public places in the county, notifying the defendant of the filing and the particulars of the account, the description of the property on which the lien is claimed, its whereabouts and the day and place set for the hearing of the cause, which shall be at least ten days from the day of the last publication of the notice; and the proof of such publication shall be filed in the court on or before the day of trial. When the defendant shall have been summoned or notified as aforesaid, the cause shall, on the day fixed for trial, be tried as an ordinary case in court. If the judgment be for the plaintiff, the court shall order the property upon which the lien shall have been found to exist to be sold to satisfy the same. If the lien shall not have been established and the defendant shall not have been summoned, or shall not have voluntarily appeared to the action, the cause shall be dismissed at the cost of the plaintiff. If the plaintiff shall have been summoned or shall have appeared to the action, and the plaintiff shall have established an indebtedness on the account sued on, but shall have failed to establish the lien claimed, the judgment shall be for the plaintiff for such indebtedness, but the costs of suit, or any part thereof, may be taxed against him.

The owner or keeper of any stallion, jack or bull may advertise the terms upon which he will let such animal to service by publication thereof in some newspaper in the county where such animal is kept for a period of sixty days during the season of each year, or by printed handbills conspicuously posted during the period, in four or more public places in said county, including the place where such animal is kept; and the publication or posting as aforesaid of the terms of such service shall impart notice thereof to the owner of any female animal served by such stallion, jack, or bull, during such season; and in all actions and controversies in respect to the foal or other product of such service, the owner of such female animal so served shall be deemed to

have accepted and assented to said terms, when so advertised or posted as provided herein.

If any keeper of such stallion, jack or bull, shall offer and advertise to let the service of such animal, and shall give a false or fictitious pedigree, knowing the same to be false, or shall falsely represent such animal to be recorded or eligible to be recorded in any of the various books of record kept for recording animals of that breed, he shall forfeit all claim to the value of the services rendered by such animal. ¹

BREEDING

The owner or keeper of any registered male animal who collects a fee for the service of same, shall upon request of the owner of any registered female of the same breed which has been bred to such registered male animal, and the fee therefor paid, furnish to such owner a breeding certificate, giving name and register number of such service, such information to be furnished in the form required by the breeders association with which such animals are registered, to the end that the off-spring may be registered. ²

¹ Oklahoma Statutes, 1941, pp. 231-36

² Ibid., p. 220

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 2

PROBLEM: Procedure for taking up estrays.

PURPOSE: 1. To get pupils to understand the importance of the proper procedure for dealing with estrays.

PIVOTAL POINTS:

1. What is considered an estray animal?
2. Who is allowed to take up estrays?
3. To whom does the taker-up report the stray taken up?
4. How many notices does the Sheriff post?
5. Where does the Sheriff post these notices?
6. What is included in these notices?
7. What things are included in describing the stray in the notice?
8. How much time does the owner have in which to claim his animal?
9. Where is the animal sold?
10. Who gets the money the animal brings?
11. How much does the Sheriff get?
12. How much does the taker-up get?
13. How do they determine the amount the taker-up has coming?
14. What happens to the money left after the Sheriff and taker-up have been paid?
15. What is the fine for unlawfully taking up estrays if found guilty?

METHOD: Supervised study, discussion, conference

REFERENCES: Hannah, Harold W., Law On The Farm, p. 136
 Oklahoma Statutes, 1941, p. 221
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 75-76

ESTRAYS

An "estrays" is a domestic animal of unknown ownership running at large. It does not include dogs, cats, or poultry. ¹

Any person may take up any stray found upon their premises. The stray must be reported to the Sheriff of the county, who shall cause notices to be posted in five (5) of the public places in the county, three (3) of such notices to be posted in the township where the stray is located. The notice shall be substantially in words and figures as follows:

"Notice of Taking Up Estray
and Sale Thereof

"Notice is hereby given by the undersigned Sheriff of _____ County, State of Oklahoma, that _____, residing on the _____ Quarter of Section _____, Township _____, Range _____, in the County of _____, State of Oklahoma, did on the ____ day of _____, 19__, take up the following described estray, to-wit:

"(Describe the stray, by stating the kind of animal, color, weight, size, sex, age, the marks, brands or other distinguishing features about the animal, if any there be, and where the animal is kept and address of taker-up.)"

And that said taker-up will safely keep said stray for a period of twenty (20) days from the date of posting this notice, and should the owner of said stray fail to appear and claim the same within said twenty (20) days, then and in that event Notice is further given that the undersigned Sheriff of _____ County, State of Oklahoma, will on the ____ day of _____, 19__, (which said date shall not be less than ten (10) days after the above twenty (20) days has expired) cause to be sold by said Sheriff at the front door of the County Court House at _____, in said county, to the highest bidder for cash, at public sale the above described animal.

¹ Hannah, Harold W., Law On The Farm, p. 136

"Dated this _____ day of _____, 19____.

Sheriff of _____ County
State of Oklahoma."

If the owner of said stray does not appear and claim the same within twenty (20) days from the posting of said notices, then and in that event the Sheriff shall proceed under the above notice to give at least ten (10) additional days' notice of sale of said stray, with the additional statement in said notice that said stray will be sold by the Sheriff of the county at public outcry to the highest responsible bidder, for cash, said sale to be held not less than thirty (30) days from the date of posting of the original notices. Provided, that at any time before sale is had, the owner may appear and produce satisfactory evidence to the said Sheriff that he is the owner of said stray and entitled to the possession thereof, in which event said Sheriff shall order said stray delivered to the owner upon his payment for the keeping of the stray to the taker-up and payment of the costs of the estray proceedings; and provided further, that all livestock shall be considered estrays under this Act which is running at large contrary to law, and their owner is not known in the community.

In the event the animal is sold at public outcry the taker-up shall receive such pay for his keeping as is customary in the community for pasturing, feeding, and keeping such animals and all the cost of the proceedings. The Sheriff shall receive a fee of Three Dollars (\$3.00). In the case any money remains in the Sheriff's hands, the same shall be paid into the road funds of the county where said animal estrayed.

Any person who shall unlawfully take up any stray, or who shall fail to

comply with the provisions of this Act after the same shall be taken up, shall be guilty of a misdemeanor and fined in any sum not less than Five Dollars (\$5.00), nor more than Fifty Dollars (\$50.00).²

² Oklahoma Statutes, 1949, Cumulative Supplement, pp. 75-76

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1½

PROBLEM: Herd Law

- PURPOSES:
1. Pupils should understand what procedure to use with trespassing animals.
 2. Pupils should understand the importance of a legal fence.

PIVOTAL POINTS:

1. What is herd law?
2. What are the rules governing stock running at large in open range?
3. What is the qualification for letting male swine over four months old and bulls over nine months old run at large in open range?
4. What is the penalty if male swine and bulls of this age do not meet the qualifications?
5. How may a county go about being divided into stock districts?
6. How does a person collect damages done by trespassing animals?
7. What procedure does one who takes up trespassing stock follow?
8. Who is allowed to take up trespassing stock?
9. Who settles disputes over fences?
10. How are the fence viewers selected?
11. Who pays the fence viewers and how much do they get?
12. What is the importance of building a fence on the proper line?
13. What is considered a lawful fence for cattle and horses?
14. What is considered a lawful fence for sheep, goats and swine?
15. Who pays for the damage when stock break over or under a legal fence?
16. Who determines whether a fence is legal?
17. What has been your experience with trespassing animals?

METHODS: Supervised study, discussion, case method

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 134-35
 Oklahoma Statutes, 1941, pp. 221-230
 Oklahoma Statutes, 1949, Cumulative Supplement, p. 76

HERD LAW--RESTRAINT OF ANIMALS

Every owner of jacks or stallions shall restrain them, at all times and seasons of the year, from running at large.

Every owner of swine, sheep or goats shall restrain them, at all times and seasons of the year, from running at large; provided, that in any county, or stock district they are not permitted by authority to run at large. ¹

All domestic animals shall be restrained by the owner at all times and seasons of the year from running at large in the State of Oklahoma. Damages sustained by reason of such domestic animals trespassing upon the lands of another shall be recovered by law. This law shall not be construed or interpreted to preclude the owner of such domestic animals recovering damages occasioned to such animals, while running at large, in violation of the provisions of this Act; provided, the provisions of this Act shall not apply to the following Counties: Adair, Pushmataha, Cherokee, Delaware, except that portion of Delaware County known as Stock Districts One, (1), Seven (7) and Eight (8) heretofore created and established in such county, McCurtain, LeFlore, Atoka, Latimer, and all that portion of Sequoyah County lying north of the main line of the Missouri Pacific Railroad running through said County and all of Township 12 North, Range 21 East, lying and being in said Sequoyah County and all that portion of Mayes County lying east of Grand River except that part which lies between Grand River and the K. O. & G. Railroad from State Highway No. 20 south to State Highway No. 33, and all that portion of Wagoner County lying east of Grand River, and all that part of Ottawa County beginning at a point where Grand River crosses the Ottawa County line, thence in a north-easterly direction along the east bank of said Grand River, to a point where

¹ Oklahoma Statutes, 1941, pp. 221-30

Grand River crosses United States Highway No. 60, thence in the Northeasterly direction along United States Highway No. 60 to the east line of Ottawa County, thence south along the east line of Ottawa County to the south line of Ottawa County, thence west along the south line of Ottawa County to the place of beginning. ²

From and after the passage and approval of the herd law, it shall be unlawful for any owner of livestock in this State, to permit any male swine over the age of four (4) months, or any bull over the age of nine (9) months to run at large within any portion of this State where cattle and swine are permitted by law to run at large, unless the animals be pure or standard bred. Any violation of this law shall be deemed a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each offense, or by imprisonment in the county jail for not less than thirty (30), nor more than ninety (90) days, or both such fine and imprisonment.

HERD LAW—STOCK DISTRICTS

The board of county commissioners of any county in the State shall, when a petition in writing signed by twenty-five homesteaders or freeholders, legal voters and residents of such county, is presented to them at a regular session, divide such county into stock districts. Such stock districts shall embrace not less than seventy-two square miles, nor more than one hundred and forty-four square miles, be in compact form, and the boundary lines thereof shall conform to section or county lines, except where impracticable, because of large creeks or rivers. In establishing such stock districts, the board shall consider the kind and condition of the land; its streams, timber, prairie, and as to whether

² Oklahoma Statutes, 1949, Cumulative Supplement, p. 76

it be better adapted to agriculture or stock raising use.

HERD LAW--TRESPASSING ANIMALS, DAMAGES AND FENCES

A stock owner shall include, the person entitled to the immediate possession of the animal, and also the person having charge or care of the same, and also the person having the legal title.

A land owner is considered a homesteader, tenant, or other person in the possession of, or cultivating the land trespassed upon, shall be deemed to be the owner.

The owner of any stock or domestic animal prohibited by law, from running at large or prohibited by police regulation adopted by vote of any stock district from running at large within the district at any time shall be liable for all damages done while wrongfully remaining at large upon the public highway or upon the lands of another; which damages may be recovered by action at law; or the party injured may at his option, distrain the trespassing animals and retain the same in some safe place, at the expense of the owner until damages are paid.

If any person, by force or otherwise, without leave of the person having the stock under distraint remove the stock from such distraint, he shall be guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than thirty days, and shall in addition be liable in a civil action for the recovery of the stock so relieved from restraint, or for damages and costs, as the party distraining may elect.

Within forty-eight hours after stock has been distrained, Sunday not included, the party distraining, or his agent, shall notify the owner when known or, if unknown, the party having them in charge; and if the owner shall fail to satisfy the person whose lands are trespassed upon, the party injured shall

within twenty-four hours thereafter, notify in writing some disinterested justice of the peace to come upon the premises to view and assess the damages. The justice shall, within forty-eight hours after receiving such notice, Sundays and holidays excepted, proceed to view and assess the damages, and a reasonable amount to be paid for seizing and keeping the stock, and if the person owning such distrained stock fail to pay such damages, the justice shall post in three conspicuous places in the township where such damages were done, notices that the stock, or so much thereof as are necessary to pay such damages with cost of sale, will be sold to the highest bidder. The sale will take place at the enclosure where said stock were distrained, between the hours of one and three p.m. on the tenth day after the posting of the notices, Sunday excepted. Any stock or money left after satisfying such claims shall be returned to the owner of the stock sold.

The owner of the stock can appeal the decision by filing with the justice of the peace a bond that is worth double the amount of the penalty of damages claimed.

Any person a resident of the county may take up any stallion, jack, boar, buck or male goat found at large in the county, and when so taken up the animal shall be treated in all respects to stock trespassing laws. This does not apply to stock districts with open range.

In districts where stock is not restrained from running at large or where it is permitted to run at large from sunrise to sundown, or is permitted to run at large during certain months in the year, the respective owners of land lying in such district and enclosed with fences shall keep up and maintain partition fences between their own and the next adjoining enclosure, in equal shares, unless otherwise agreed in writing between them.

When a controversy arises between the respective owners about the obligations to erect or maintain a partition fence, either party may apply to the

fence viewers, who, after due notice to each party, may inquire into the matter and assign to each his share, and direct the time in which each shall erect or repair his share. If such fence be not repaired or built accordingly, the complainant may repair or rebuild it, and the same being adjudged sufficient by the fence viewers, and the value thereof, with their fees, being ascertained by them, and certified under their hands, the complainant may demand of the owner of the land where the fence was deficient, the sum so ascertained, and in case of neglect to pay the same, for one month after demand, may recover it by civil action together with one per cent a month interest.

Fence viewers designated shall consist of three disinterested freeholders, one to be chosen by each of the interested parties, and the two so chosen shall choose the third person. The fence viewers shall be allowed one dollar per day each, to be paid by the interested parties.

Any person not wishing his land enclosed, and not occupying or using it otherwise than as commons, shall not be compelled to contribute to erect or maintain any fence between him and an adjacent owner; but when he encloses or uses his land otherwise than as a commons, he shall contribute to the partition fences.

When a division of fence between the owners of improved land shall have been made, either by fence viewers or agreement in writing, and is recorded in the office of the county clerk of the county where the lands are, the owners and their heirs and assigns shall be bound thereby, and shall support them accordingly.

When a person has made a fence or other improvements on land, which, afterwards making division lines, is found to be on the land of another, such person shall not remove such fence or other improvements, until he shall have paid to the owner of such land all damages by reason of such improvements or

fence being so located, and if the person making such fence or other improvements fail to pay such damages and remove the improvements within six months after the division line has been established, and after having thirty days' notice from the owner of the land to remove the fence or improvements, then the fence or improvements shall become a part of the real estate and belong to the owner thereof: Provided, that when the parties interested in such land and such fence and improvements cannot agree as to the amount of the damages, by reason of such improvements being upon the land of another, the fence viewers may determine the amount of such damages as in other cases.

A person building a fence may erect the fence upon the line between him and the adjacent owners, so that the fence may be partly on the other, and the owner of the fence shall have the same right to remove it as if it were wholly on his land: Provided, that the fence is not more than five feet from the line.

A fence made of three rails of good substantial material, or three boards not less than six inches wide and three-quarters of an inch thick, such rails or boards to be fastened in or to good substantial posts not more than ten feet apart where rails are used, and not more than eight feet apart where boards are used, where either wholly or in part substantially built and kept in good repair, or any other kind of fence, which, in the opinion of the fence viewers shall be equivalent thereto, shall be declared a lawful fence: Provided, that the lowest or bottom rail, wire or board shall not be more than twenty or less than sixteen inches from the ground, and that such fence shall be fifty-four inches in height, except that a barb wire fence may consist of three barb wires, or four wires, two of which shall be barbed, the wires to be firmly fastened to the posts not more than two rods apart, with two stays between the posts, or with posts not more than one rod apart without such stays, the

top wire to be not less than fifty-four nor more than fifty-eight inches in height, and the bottom wire to be not more than twenty or less than sixteen inches from the ground: Provided, Further, that all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the material by him added thereto whenever he may elect: And Provided, Further, that when the owner or occupants of adjoining lands both use the fence for the purpose of restraining swine, goats, or sheep, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such sheep, goats or swine.

In all cases where the plaintiff may recover judgment for damages caused by the trespassing of animals of others the judgment shall be a lien upon the stock so trespassing and the plaintiff may have special execution for the sale of such stock to satisfy the judgment and costs or general execution as he may elect.

All fields and grounds kept for cultivation in any county or stock district in this state where hogs, sheep or goats are permitted to run at large, shall be enclosed by a lawful fence.

A lawful fence for hogs, sheep or goats in such counties or stock districts shall be deemed to mean: (a) All fences composed of posts and rails be four and one-half feet ($4\frac{1}{2}$) high, the posts not over ten (10) feet apart, to be deeply and firmly set in the ground, and the opening within two (2) feet of the ground shall not be over four (4) inches; the next opening not over six (6) inches and the next opening not over eight (8) inches. (b) All fences made of rails alone, commonly called "worm fences," shall be four and one-half ($4\frac{1}{2}$) feet high, and openings within two (2) feet of the ground shall not be over six (6) inches and the next not over eight (8) inches. (c) All fences made of barb wire and posts shall not be less than four (4) feet high, posts

deeply and firmly set in the ground, not over sixteen (16) feet apart, and where over eight (8) feet apart, shall have a "stay" between; shall have not less than eight (8) barb wires and the opening within two (2) feet of the ground shall not be more than four (4) inches; provided, that where twenty-four (24) inch web fencing is used there shall be three barb wires above the web wire. Provided, that all fences as above enumerated shall be sufficient to protect crops from stock running at large.

In all cases the sufficiency of a fence shall be adjudged by the persons summoned to view such fence, as provided for in this Act.

In all counties or stock districts where swine, sheep or goats are permitted to run at large by law, the owner of such stock shall not be liable for damages done by such stock trespassing upon the lands of another unless the field or other place where such damage is done is enclosed with a lawful fence as herein defined, and the owner of premises not so enclosed with a lawful fence as defined, and for any injuries or damages done to or inflicted upon such stock by him or his agents, he shall be liable to the owner. But in all such counties or stock districts the owner of such stock shall be liable for all damages done by such stock when they break through, over or under such lawful fence as defined, and the animals so breaking through, over or under such lawful fence may be seized as trespassing animals and the owner of said premises on which said damages are done by such trespassing animals, in addition to the remedy provided by restraining such stock, shall also have a right of action against the owner of such stock for such damages.

PROBLEM PLAN

YEAR TAUGHT: Agri. II MONTH: January PERIOD: $\frac{1}{2}$

PROBLEM: Dogs

PURPOSE:

1. To get pupils to understand the importance of keeping their dogs out of trouble.
2. To get pupils to understand the importance of exterminating prairie dogs.

PIVOTAL POINTS:

1. When is it lawful to kill a dog?
2. Is the owner of a dog liable for the damages done by his dog?
3. Can a court order a dog killed for worrying or killing animals?
4. What is the responsibility of the owner of a dog that bites a person?
5. What places are considered public places?
6. How may a dog owner avoid trouble?
7. What penalty may be assessed?
8. Who may determine that prairie dogs are a menace and have them exterminated under the supervision of the County Agent?
9. What is the penalty for not cooperating with the extermination?
10. What has been your experience with prairie dogs?

METHOD: Field trip, discussion, supervised study, conference

REFERENCES: Hannah, Harold W., Law On The Farm, p. 136-37
 Oklahoma Statutes, 1941, p. 220
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 74-75,
 p. 79

DOGS

It shall be lawful for any person to kill any dog found chasing or worrying sheep, other livestock or poultry, off the premises of the owner of such dog. The owner or owners of any animal of the dog kind that kills, worries, or injures any sheep, lamb, goat, kid, other livestock or poultry, shall be jointly and severally liable to any person so damaged, to the full amount of the injury done, and the court or justice, before whom a recovery is had for any such injury, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Such appeals shall be prosecuted in such manner as prescribed by general statutes governing appeals.¹

The owner or owners of any dog which shall, without provocation, bite or injure any person while such person is in or on a public place, or lawfully in or upon the private property of the owner or owners of such dog, shall be liable for damages to any person bitten or injured by such dog to the full amount of the injury sustained.

For the purpose of this Act a person shall be considered to be lawfully upon the private property of the owner of a dog when he is on such property in the performance of any duty imposed upon him by the laws of this State, or be the laws of the United States, or the postal regulations of the United States, or when reading meters, or making repairs to any public utility or service located on said premises, or when working on said property at the request of the owner or any tenant having a lease upon any portion of said property, or when on such property upon the invitation, either expressed or

¹ Oklahoma Statutes, 1941, p. 220

implied, of the owner or lessee of such property. The term "public place" shall, for the purpose of this Act, mean and include any and all public buildings, parks, playgrounds and recreational facilities, and any and all places of business, amusement or entertainment which are privately owned, wherein merchandise, property, services, entertainment or facilities are offered for sale, hire, lease, or use.²

PRAIRIE DOGS

Whenever the County Commissioners in any County shall determine, by resolution, that it is necessary to exterminate prairie dogs, they may, by resolution, declare said prairie dogs to be a menace to the welfare of the County and order the same exterminated under the supervision of the County Agent by poisoning, shooting or other approved methods by the County Agent and any person failing and refusing to cooperate may be punished for a misdemeanor and when found guilty, shall be fined in any sum not to exceed Twenty Five Dollars (\$25.00).³

In many localities the raising of sheep is virtually prohibited by the large numbers of stray dogs which roam the countryside and molest flocks. Sometimes it is not strays but the neighbor's dog that is responsible. In either case flock owners frequently turn to the law and its enforcing authorities for assistance.⁴

2 Oklahoma Statutes, 1949, pp. 74-75

3 Oklahoma Statutes, 1949, p. 79

4 Hannah, Harold W., Law On The Farm, pp. 136-37

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: January PERIOD: 1

PROBLEM: Bounties on birds and animals

- PURPOSE:
1. To get pupils to understand the importance of destroying harmful birds and animals.
 2. To get pupils to understand the procedure for collecting bounties on birds and animals.

PIVOTAL POINTS:

1. What is a bounty?
2. What birds are considered harmful?
3. What animals are considered harmful?
4. On what birds does the state pay a bounty, and the amount for different birds?
5. What is the procedure to follow in collecting this bounty?
6. What is the penalty for making a false claim?
7. How much bounty and on what animals and birds does the county pay?
8. What part of the bird or animal do you have to turn in to receive the bounty?
9. How is the money raised to pay bounties?
10. What persons are not allowed to get bounties for animals or birds on which a bounty is paid?
11. How does a county go about getting help from the Bureau of Biological Survey to destroy predatory animals?
12. What becomes of the hides or furs from predatory animals taken by men employed and paid by the county?
13. How is the money obtained to carry on the destruction of predatory animals?

METHOD: Supervised study, discussion, conference

REFERENCES: Hannah, Harold W., Law On The Farm, pp. 142-43
 Oklahoma Statutes, 1941, pp. 219-220, p. 240
 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 73-74
 Reeves, William C., Oklahoma Laws Made Plain, p. 12

BOUNTIES—STATE BOUNTY ON HAWKS AND CROWS

Bounty on Hawks and Crows. There shall be paid from the Game and Fish Fund of the State of Oklahoma, in the manner herein provided, a bounty of twenty-five cents (25¢) on all hawks killed in this State, and a bounty of twenty-five cents (25¢) on all crows killed in this State. Any person desiring to collect bounty for hawks or crows killed shall present his claim to the County Clerk of the County in which such hawks or crows are killed within such time as may be prescribed by rules and regulations promulgated by the State Game and Fish Warden and make proof to the County Clerk in conformity with such rules and regulations promulgated by the State Game and Fish Warden, and shall receive from the County Clerk a certificate in form prescribed and furnished by the State Game and Fish Warden setting forth the number of hawks and crows killed by such person, the time when killed, and the name and post-office address of the person to whom the bounty is to be paid, which certificate shall be forwarded by the County Clerk to the State Game and Fish Warden, who shall issue voucher in the usual form, and send the same to the person and address set forth in the certificate.

The making of a false claim for bounty under this Act shall constitute a misdemeanor, and be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the County jail for not less than thirty days or more than six months.

BOUNTIES—COUNTY BOUNTIES ON BIRDS AND ANIMALS

The Board of County Commissioners of any county of this State may in their discretion offer a bounty not to exceed five cents for each crow, English sparrow, hawk, rabbit, prairie dog, gopher or ground squirrel, or either, killed within the limits of their respective counties.

Before payment of said bounty the applicant must subscribe to and make

oath before the county clerk of the county in which the bird or animal was killed, setting forth that same was killed in said county, and that the head of the crow, English sparrow or hawk, or the scalp of the gopher, rabbit or prairie dog be produced, which scalp shall include both ears and that no allowance or bounty has been received or paid for the killing of such bird or animal; provided, that no claim shall be allowed unless the applicant exhibit and furnish the county clerk at the time of making such affidavit the head of the bird or the scalp of the animal.

The county clerk shall present the affidavit at the next regular meeting of the Board of County Commissioners, and the board shall audit the claims and order a warrant drawn upon the county treasurer for the bounty in favor of the person killing the birds or animals. No warrant shall be drawn for a sum less than one dollar. It is hereby made the duty of the county clerk at the time said scalps or heads are presented to him to burn or destroy the same.

The County Commissioners and County Excise Board are hereby authorized in their discretion to levy a tax of not more than one-half mill for the purpose of paying the above bounty.¹

BOUNTIES--WOLVES, COYOTES, BOBCATS AND FOXES

Any person killing a wolf, coyote, bobcat, or fox in counties where the fox has been or may be declared by law to be a predatory animal, within the territorial confines of the State of Oklahoma shall present the scalp, with the ears attached thereto, of said wolf, coyote, bobcat, or fox in counties where the fox has been or may be declared by law to be predatory animal, to the County Clerk of the county of his residence, and sign an affidavit to the effect that he or she killed the wolf, coyote, bobcat, or fox in counties

¹ Oklahoma Statutes, 1941, pp. 219-20

where the fox has been or may be declared by law to be a predatory animal, in the State of Oklahoma during the above named years, and sign a claim, whereupon said claim with affidavit shall be forwarded by the County Clerk to the State Auditor and the sum of Two Dollars and Fifty Cents (\$2.50) shall be paid as a bounty for said wolf, coyote, bobcat, or fox in counties where the fox has been or may be declared by law to be a predatory animal, until the appropriation provided by this Act is exhausted, provided, that no salaried trapper or game ranger or other person drawing a salary from the State of Oklahoma shall receive any bounty for a wolf, coyote, bobcat, or fox in counties where the fox has been or may be declared by law to be a predatory animal killed in the State of Oklahoma. Provided further that before the claims and affidavits referred to in this Section are mailed to the State Auditor, that the scalps and ears attached thereto shall be recounted and destroyed by the Board of County Commissioners.

Any person swearing falsely in connection with filing a claim for bounty shall be guilty of a felony and shall be subject to the penalty fixed by law for obtaining money under false pretense.²

PREDATORY ANIMALS

Upon petition of ten resident land owners, the Board of County Commissioners of any County, is hereby authorized to co-operate with the Bureau of Biological Survey of the United States Department of Agriculture in the destruction of wolves, coyotes, bobcats, prairie dogs, ground squirrels, pocket gophers, jack rabbits, and rats and other predatory animals and rodents destructive to livestock, poultry and game and detrimental to crop and forage production.

² Oklahoma Statutes, 1949, Cumulative Supplement, pp. 74-75

It shall be the duty of the Board of County Commissioners of any county undertaking predatory animal or rodent extermination work under this Act to enter into a definite co-operative agreement with the said Bureau of Biological Survey, prescribing the manner, terms and conditions of such co-operation and the amounts which the County and Federal Government will respectively contribute thereto.

The Board of County Commissioners of any County undertaking predatory animal or rodent extermination work under this Act is authorized and empowered, when in its discretion it is deemed necessary, in co-operation with said Bureau of Biological Survey, to purchase and provide supplies and employ labor required for the proper prosecution of said predatory animal or rodent extermination work.

All hides and furs from predatory animals taken by men employed and paid by any county as provided by this Act shall become the property of such County and shall be sold by the County Commissioners at the highest price obtainable and the money received therefor turned into the County Treasury.

For the purpose of providing funds for defraying expenses of the predatory animal and rodent extermination work, contemplated by this Act, the excise board of any county is authorized to make an annual levy upon all property in the County upon an ad valorem basis of not to exceed one-fifth of one mill per annum.³

³ Oklahoma Statutes, 1941, p. 24

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: May PERIOD: 1

PURPOSE: Bind weed

- PURPOSE:
1. To get the pupils to understand the regulations for eradicating bind weed.
 2. To get the pupils to realize the importance of eradicating bind weed.

PIVOTAL POINTS:

1. What does bind weed look like?
2. What damage does bind weed do?
3. What has been your experience with bind weed?
4. What happens if a person in charge of land neglects or refuses to destroy bind weed?
5. If the Board of County Commissioners has to destroy the bind weed on a person's place how is the expense collected?
6. How much does it cost to use a sprayer furnished by the State Department of Agriculture?
7. What is the penalty for violating the provisions of the bind weed laws?

METHOD: Supervised study, discussion, field trip to see bind weed.

REFERENCES: Oklahoma Statutes, 1941, p. 152
Oklahoma Statutes, 1949, Cumulative Supplement, p. 28

BINDWEED

It shall be the duty of all officers, boards and commissions having the custody, control or management of any land, easement or right-of-way owned by the State or any county, school district, irrigation district, drainage district, city or town, and of all persons, firms, associations and corporations owning, renting or having possession, control or management of any land, easement or right-of-way to prevent and control the spread of bindweed thereon and therefrom and to destroy and prevent the growth of any bindweed upon any such land, easement or right-of-way.

If the owner, tenant, or person in charge of land neglects or refuses to destroy bindweed growing on his land the Board of County Commissioners, and its agents, servants and employees are empowered and authorized to enter upon such land and destroy the bindweed. The expenses of destroying the bindweed shall be taken out of the county highway construction and maintenance fund. The amount taken out of the fund shall be added to the tax rolls of the county as a charge against the land on which the expense occurred and returned to the county highway construction and maintenance fund.¹

The State Department of Agriculture shall establish and maintain a spraying service, and such other services as it deems necessary, for the prevention, control and eradication of bindweed and other noxious weeds throughout the State of Oklahoma, which shall be made available to any landowner or occupant of land, upon request. Provided, any person requesting and using any such service shall be required to pay a reasonable sum to compensate the State for the use of its equipment and to pay the cost of materials and labor used.²

1 Oklahoma Statutes, 1941, p. 152

2 Oklahoma Statutes, 1949, Cumulative Supplement, p. 28

Any person, firm, association, corporation or public officer who shall violate or fail to comply with any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished upon conviction thereof by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each count.

3 Oklahoma Statutes, 1941, p. 152

PROBLEM PLAN

YEAR TAUGHT: Agri. III MONTH: February PERIOD: 1

PROBLEM: Dumping refuse, farm drainage, transportation of livestock, transportation of large farm equipment and licensing of farm vehicles.

PURPOSES: 1. To get pupils to understand regulations governing dumping refuse, farm drainage, transportation of livestock and equipment and licensing of farm vehicles.

PIVOTAL POINTS:

1. What does the law say about dumping refuse on farm land?
2. Where should you dump your refuse?
3. What penalty can the farmer receive for violating dumping regulations?
4. Is it lawful for a farmer to change the natural course of water?
5. What has been your experience with water being caused to flow over your land?
6. What would be the purpose for a trucker to have a written permit from the owner of livestock authorizing him to haul the livestock?
7. What does the farmer need to know about the legal aspects of transporting livestock?
8. What is the legal maximum width for a vehicle?
9. What is the legal maximum height for a vehicle?
10. What is the legal maximum length for a vehicle?
11. What are the requirements for over-size farm machinery?
12. What farm vehicles are required to be licensed?
13. What has been your experience with licensing of farm vehicles?

METHODS: Discussion, supervised study

REFERENCES: Oklahoma Statutes, 1949, Cumulative Supplement, p. 346, pp. 511-12
 Oklahoma Statutes, 1941, pp. 240-41, pp. 1492-93
 Hannah, Harold W., Law On The Farm, p. 80

MISCELLANEOUS LAWS

DUMPING REFUSE

It shall be unlawful for any person to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway or any county road. Provided, however, that any city or town operating or desiring to operate a dump ground within the distance above prescribed may establish said dump ground when said dump ground is approved by the Health Officer of the County, or by the State Health Commissioner.

Any person or any officer of any city or town violating any of the provisions of this act shall upon conviction be fined not more than one hundred (\$100.00) dollars, or be imprisoned in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.¹

FARM DRAINAGE

When one tract of land is naturally situated so that it drains across a lower adjoining piece of land through natural depressions, it is entitled to this advantage and the lower owner cannot prevent the natural flow of water from the higher adjoining land.

This "natural drainage" theory did not quite meet the needs of a growing agriculture, however, and the following rule was developed: an upper landowner may increase the amount of flowage from his land by the use of artificial ditches constructed on his own land, so long as the ditches drain only the natural basin from which water could have flowed onto the lower land. A farmer is not allowed to change the natural course of water.²

1 Oklahoma Statutes, 1949, Cumulative Supplement, p. 346

2 Hannah, Harold W., Law On The Farm, p. 80

TRANSPORTATION OF LIVESTOCK

Any person who is the driver of any truck, automobile or other vehicle containing any livestock or domestic fowls or any slaughtered livestock or slaughtered domestic fowls or the butchered portions of either of which he is not the owner and which is upon or being driven upon any land of which said driver is not owner, lessee, renter or tenant, or which is upon or being driven upon any highway, public street or thoroughfare, who fails to have in his possession and exhibit to any meat inspector, sheriff or deputy sheriff upon demand a written permit authorizing said movement, signed by the owner or caretaker of said livestock or domestic fowls, or from the owner or person in control of the land from which said driver began said movement, shall be fined not more than Two Hundred Dollars (\$200.00) for each head of livestock in said movement.³

TRANSPORTATION OF LARGE FARM EQUIPMENT

Except as otherwise provided by this Act, it shall be unlawful and constitute a misdemeanor for any person to drive, operate, or move, or for the owner to cause or permit to be driven or moved upon any road or highway within this State, whether paved or otherwise, any vehicle or vehicles or combination of vehicles of a size or weight exceeding the limitations stated in this Act, or any vehicles which are not constructed or equipped as required by this Act, or to transport over any road or highway within this State, whether paved or otherwise, any load or loads, exceeding the weights or dimensions prescribed by this Act.

(1) Width. No vehicle, unladen or with load, shall have a total outside width in excess of ninety-six (96) inches.

³ Oklahoma Statutes, 1941, pp. 240-41

(2) Height. No vehicle, unladen or with load, shall exceed a height of twelve and one-half feet ($12\frac{1}{2}'$), with exception of vehicles transporting automobiles which shall not exceed a height of thirteen ($13'$) feet.

(3) Length.

(a) No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of thirty-five feet ($35'$).

(b) No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five feet ($45'$).

(c) No combination of truck-tractor and semi-trailer, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of fifty feet ($50'$).

(d) No other combination of vehicles shall consist of more than two (2) units and no such combination of vehicles unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of fifty feet ($50'$).

(4) Permissible Loads. No vehicle or combination of vehicles shall have a gross weight in excess of sixty thousand (60,000) pounds; no vehicle, or combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway using high pressure tires, and a greater weight than six hundred fifty (650) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway using low pressure tires, nor any axle load in excess of eighteen thousand (18,000) pounds. An axle load shall be defined as the total on all wheels whose centers may be included between two (2) parallel transverse vertical planes forty inches ($40''$) apart.

Farm equipment shall be exempted from the requirement for special permits due to size, except that such equipment shall not move on any State or Federal Highway during the hours of darkness.⁴

LICENSING OF FARM VEHICLES

Every owner or possessor of one or more vehicles, except farm trailers and semi-trailers having a laden weight not in excess of ten thousand (10,000) pounds, before operating the same in this State, and except as hereinafter provided, shall prepare, or cause to be prepared, and file with the Commission, on a form prescribed and furnished by the Commission, and application for the registration of such vehicle or vehicles, containing such information as shall be required by the Commission.

Upon the filing of such application, which application shall also constitute a registration certificate, and the payment of the fees provided by this Act, the Commission shall assign to the vehicle described in said application a distinctive number, and issue and deliver to the owner or custodian of such vehicle a certificate of registration and two (2) appropriate identification and number plates, in form and size to be prescribed by the Commission. Such plates shall be securely fastened to the vehicle for which issued; one of such plates to be attached to the rear of the vehicle, and one to the front of the vehicle. Both plates and all numbers must be clearly visible at all times.⁵

4 Oklahoma Statutes, 1949, Cumulative Supplement, pp. 511-12

5 Oklahoma Statutes, 1941, pp. 1492-93

CONCLUSION

It will be evident to some people who read this problem that the writer picked out the laws he thought would be most useful. There are many laws that were not used in this report which affect farmers, but the writer had to select those he considered most important. Though a great deal of care was used in selecting the different laws to be used, it may have been better to have used a questionnaire to find out the opinion of others.

The information in this report can be used with all day students, young farmer and adult classes. The problem plans cover the laws in this study thoroughly enough for the laws to be understandable. References are given at the end of each chapter for the benefit of anyone who desires to study the laws in greater detail. The contents of the problem plans were based upon information found in the Oklahoma Statutes.

A liberal education is not complete without some knowledge of the law. With more condensed and simplified information available of the more important laws, more farm law will be taught by vocational agriculture teachers.

Teaching from the problem plans prepared for each chapter, the writer estimates it would take 28 hours to thoroughly cover all the laws in this study. Undoubtedly some of the laws are not important in certain localities, therefore, the teaching time can be reduced. The time needed to teach the most important laws would be time well spent. A general knowledge of farm law is needed by everyone connected with the farming business. With a better knowledge of farm law the farmers would become better neighbors and friends.

A few of the laws change each year. To keep up with the latest changes one can obtain information from the Oklahoma Statutes in the Capitol Building Library, Oklahoma City, or in the documents room at Oklahoma Agricultural and Mechanical College, Stillwater, Oklahoma, or Oklahoma University, Norman,

Oklahoma. These Oklahoma Statute's can be purchased at a reasonable fee from the West Publishing Company, St. Paul, Minnesota.

Legal forms pertaining to farm law have been included in this report. When available the legal forms can be used as an aid in teaching. They will help the students understand the importance of knowing the laws and legal procedures.

The laws can be taught to the all day students as indicated by the problem plans. Most of the classes on law are scheduled for Agriculture III. Students in Agriculture III and IV are capable of understanding the laws better than boys in Agriculture I and II.

All of the laws in this study are suitable for teaching young farmer and adult farmer classes. Resource people can be used for teaching the more complicated laws. The same lesson plans may be used for teaching adult and young farmer classes which used for the all day classes.

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A discussion of legal problems which arise in the business of farming

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