

# LIVE STOCK BRAND LAWS OF NEBRASKA

Compiled and Corrected to August 1, 1915, by Thomas Lynch, Attorney at Law, City National Bank Bldg., Omaha, Nebr.

Every Nebraska ranchman should be familiar with the laws of the state relating to the use of brands and the importance of having them recorded. In order to have the exclusive right to and use of their brands, stockmen must have them recorded in the office of the Secretary of State, except sheep brands, which are to be recorded in the office of the county clerk of the county in which the sheep are kept, as will be seen by the following, which is an extract from the laws of the state pertaining to brands:

### Sheep

Every person or persons being the owner of any sheep shall cause such sheep, and all of them six months old and upwards, to be suitably branded and ear-marked, which brand and ear-mark shall be made of record in the office of the county clerk of the county in which such sheep are kept. Every person failing to comply with the provisions of this section shall, upon conviction thereof, be fined in any sum not less than five nor more than fifty dollars.

### Branding Stock

Any person or persons having cattle, hogs, sheep, horses, mules or asses, shall have the right to adopt a brand or mark, for the use of which he shall have the exclusive right in this state, after recording such brand or mark as hereinafter provided.

### Recording Fees

The Secretary of State shall procure a suitable book, or books, in which all brands and marks shall be recorded. Each person desiring a brand, or mark, recorded shall pay into the office of Secretary of State, a fee of \$1.50, for recording such brand or mark. And every five years thereafter, the owner of any recorded brand, or mark, shall pay to the Secretary of State the sum of 50 cents, for the re-recording of such brand or mark.

### Brands Re-Recorded Every Five Years

The Secretary of State shall notify the owner of any recorded brand by letter on or before September 1, 1917, and on or before September 1, every five years thereafter of the time for recording his brand and any brand, or mark, the owner of which fails to have same re-recorded as above provided becomes cancelled and may be used by another.

### Brands Must Not Be Duplicated

No person shall have or adopt a brand or mark previously recorded under this act to any other person if used on the same side; neither shall the Secretary of State record the same brand or mark to more than one person, unless for opposite side.

### Brands in Actual Use Filed with Secretary of State

Any person desiring to use any brand or mark shall make and sign a certificate setting forth a facsimile and description of the brand and mark which he desires to use or to which shall be attached a certified copy of the record of such brand and mark from any county in which the same shall have been recorded, if so recorded, and showing the date of such record, and shall file the same for record in the office of the Secretary of State; Provided, That no brand shall be filed or registered unless the same is in actual use.

### Decide on Brands Offered for Record

The authority of deciding whether a brand or mark offered for record does or does not conflict with any previously recorded brand or mark shall be vested in the Secretary of State. All brands offered for record shall be submitted before acceptance to said Secretary of State; Provided, That no brand described as being on either side of the animal shall be accepted or recorded; Provided further, That a brand described as being on both sides may be accepted. It shall be the duty of the Secretary of State to file all brands offered for record pending the examination, which he shall cause to be made as promptly as possible; and if the brand is accepted the ownership shall date from the date of filing.

### If Two Brands Are Similar, Last One Recorded Illegal

The Secretary of State shall examine any evidence of brands or marks, or records thereof, which may heretofore have been made in the office of any register of deeds of this state, and any other evidence of such marks or brands which may be presented by the owner, and in any case, where a brand or mark is found which conflicts with one previously recorded, or which might in its use endanger the property of the party owning the brand or mark earliest of record, it shall be the duty of the Secretary of State to notify the party owning said brand last of record that the further use of same shall be illegal to the same extent as though it had never been recorded, unless previously agreed upon by owner of such brands or marks and a joint statement be presented to the Secretary of State by such brand owners. This said notice shall be given by letter. It is expressly provided that this enactment shall not in any way effect or invalidate the ownership of animals which were branded with said brand then registered previous to such examination and rejection, the object of this act being to make illegal and enjoined from the further use of said brand.

### Brought in for Grazing, Bear Distinguishing Brand

It shall be the duty of any person who, after the passage of this act, brings into any county of this state and turns loose for grazing purposes any herd brand or individual animals already branded, to lay before the Secretary of State a statement of the brands of said animals, and if said brands conflict with any previously recorded it shall be the duty of this owner or manager of said animals to brand them with a brand that the Secretary of State shall consider a full and distinguished mark from all brands there recorded, but the owner shall be enjoined from further use of the conflicting brand. A failure to comply with the provisions of this section shall render the party so failing liable for all damages resulting from such failure, which damages may be recovered in a civil suit. It is further provided that this section shall apply to all animals now in any county in this state whose brands are considered by said Secretary of State to infringe on previously recorded ones.

### Brands to Be Rejected

In deciding as to the conflict of brands, the Secretary of State shall reject any that, being the same as one previously recorded, has in addition, any of the following, whether placed across, above, below, at either side, or encircling the main brand, viz: A straight bar, a quarter, half or entire circle, a quarter, half or entire diamond, either upright or in-

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verted, the same not constituting a true brand and rendering the owner of same brand liable to damages by its use, saving only when one or more of these shall be filed by the owner of the first record of the main brand in which case it may be accepted. The Secretary of State shall reject any brand formed by repetition of any letter, number or figure which shall have been previously recorded, if on the same side of the animal, the exclusive right of the first record to the letter, number or figure, and to repetition of it, being re-affirmed. He shall also reject all brands, known as solid brands, and all ear marks which shall remove to exceed one-half of the ear. A variation in the size of a letter, number, or figure shall not constitute a new brand and shall be rejected. A combination of letters, numbers, or figures may be permitted though the same letters, numbers or figures may have been recorded, single or together, if in the judgment of the Secretary of State said combination is so different from any previous record as to constitute a new brand with no danger of infringement.

### Brand Prima Facie Evidence of Ownership

In all suits at law or in equity, or in any criminal proceedings, where the ownership of any cattle, horses, mules or swine is involved the brand upon any animal, above named, shall be prima facie evidence of ownership of the person whose brand it may be; Provided, That such brand has been duly recorded as provided by law. Provided, further, That any owner or owners of any brand or brands, mark or marks may sell and transfer the same by an instrument in writing which sale and transfer shall not become effective until said instrument shall be recorded in the manner required by law for the recording of marks and brands and for which recording a

like fee shall be charged which fee shall be disposed of and accounted for in the same manner as fees for recording marks and brands.

### Penalty for Violation

Any person or persons who shall violate or fail to obey the provisions of this act, or shall continue the use of a brand or mark after the same has been rejected by said Secretary of State or shall continue to use any brand or mark after the said Secretary of State shall have decided that the same conflicts with a previously recorded brand or mark, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not exceeding one thousand (\$1,000) dollars or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

### Does Not Impair Rights of Owners

Nothing in this act contained shall be construed to in any manner impair the property rights of owners of live stock in the state under the laws heretofore in force.

### Butcher to Record Marks and Brands

Any person now engaged or who may hereafter engage in the business of a butcher in the state of Nebraska shall keep a record of all branded beef animals he may slaughter, give age, sex, marks, and brands, of whom purchased, and date of said purchase, which record shall at all times be open for public inspection at his place of business.

### Exhibit Hides

It shall be unlawful for any person or persons who occasionally slaughter cattle or beef to offer for sale said beef without exhibiting the hide or hides of such beef at the time and

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### ANNUAL REPORT OF BRAND INSPECTOR

(Concluded from page 2)

Date Fiscal Year	Inspected	Proceeds to Sec.	Proceeds to com. men	Head	Amount	Head	Amount	Head	Amount	Totals
1910	8105	8712.46	115	18025	18025	18025	18025	18025	18025	18025
1911	12581	13212.40	161	25251	25251	25251	25251	25251	25251	25251
1912	15251	15812.40	176	30251	30251	30251	30251	30251	30251	30251
1913	18251	18812.40	188	35251	35251	35251	35251	35251	35251	35251
1914	21251	21812.40	202	40251	40251	40251	40251	40251	40251	40251
1915	24251	24812.40	216	45251	45251	45251	45251	45251	45251	45251
TOTAL	100000	1000000.00	1000	1000000	1000000	1000000	1000000	1000000	1000000	1000000

place said beef is offered for sale. And it is provided, further, that the brands on the hide so exhibited must not be changed, mutilated or destroyed.

### Keep Hides for at Least Three Days

All persons other than butchers, who occasionally slaughter cattle or beef, for home consumption, shall keep the hide or hides of such animals so slaughtered for a period of not less than three days, subject to inspection by any person or persons.

### Keep Record of Branded Hides Bought

All purchasers of hides shall keep a record of all hides of neat cattle purchased by them, which record shall state the name or names of the person or persons from whom purchased, their place of residence, the date of purchase and all marks and brands on said hides, which shall at all times be open for the inspection of stock growers, their agents, and employes. Provided, That the provision of this section shall only apply to branded hides.

### PENALTY

Any person who shall wilfully violate the provisions of this act or wilfully neglect or refuse to do any act herein required shall be guilty of a misdemeanor and on conviction shall be punished by imprisonment in the county jail for a period not exceeding three months or pay a fine not exceeding one hundred dollars.

### ALTERING EAR MARK, OR BRAND

If any person shall wilfully and maliciously alter or deface any artificial ear mark or brand, upon any horse, mare, foal, filly, mule or ass, sheep, goat or swine, cow, ox, steer, bull or heifer the property of another, every person so offending shall be fined in any sum not exceeding fifty dollars, and be liable in treble damages to the party injured.