

## TRESPASS OF ANIMALS.

### CHAPTER 161.

[S. B. 91.]

#### TRESPASSING ANIMALS.

AN ACT to Amend Section 6156 of the Revised Codes, Relating to Custody of Trespassing Animals Until Damages Are Paid.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 6156 of the Revised Codes be amended so as to read as follows.

§ 6156. The person suffering damages as aforesaid may keep such offending animals in custody until the damages and costs are paid or until good and sufficient security is given therefor, such security to be approved by a justice of the peace in and for said township or county as provided for in cases bond (of bail) and arrest notice of the giving of such security must be given the person holding such stock at least one day before the approval of such security with the day and hour when such security will be submitted, (to) such justice for approval, when such security is approved as herein provided, said justice shall issue an order directly to the person holding such stock to forthwith deliver such stock to the party entitled thereto, and the official receiving such order shall take such stock and deliver the same to the person entitled thereto. The costs may be charged as part of the cost in the action to determine the rights of the parties regarding such stock and whenever any animals are restrained under this chapter, the person restraining the same shall forthwith notify the owner or person, in whose custody the animals were at the time the trespass was committed, of their seizure, if he knows such owner or person.

Approved March 8, 1899.

## CHAPTER 162.

[H. B. 27.]

## TRESPASS OF ANIMALS.

AN ACT to Amend Section 6153 of the Revised Codes of the State of North Dakota, Relating to the Trespass of Animals.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 6153 of the Revised Codes is hereby amended to read as follows:

§ 6153. LIABILITY OF OWNER FOR.] Any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep or swine or any such animals, which shall trespass upon the lands of another whether fenced or not fenced, shall be liable to the party injured for all damages sustained by him by reason of such trespassing, to be recovered in a civil action in the county in which such damages occurred, and the proceedings shall be the same in all respects as in other civil actions except as herein modified; provided, that no property shall be exempt from execution issued upon judgment obtained under this chapter except absolute exemptions; and provided, further, that the party claiming damages under the provisions of this chapter shall bring an action to recover the same within sixty days after the infliction of such damages; provided, none of the provisions of this chapter shall be construed as conflicting with the provisions of section 1549 of the Political Code, permitting stock to run at large from the first day of November until the first day of April of each year.

Approved February 6, 1899.