

ESTRAYS.

CHAPTER 96.

[H. B. No. 101—Aandahl.]

NOTICE OF TAKING ESTRAYS.

AN ACT to Amend Section 1572 of the Revised Codes of North Dakota for 1899, Relative to Notice of Taking Estrays.

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

§ 1. AMENDMENT.] That section 1572 of the revised codes of North Dakota of 1899 be and the same is hereby amended so as to read as follows:

§ 1572. NOTICE OF TAKING UP ESTRAYS.] Each person taking up an estray horse, mare, colt, mule, ass or any neat cattle, sheep, hog or goat, shall within ten days thereafter give notice of the finding and taking up of such animal in a weekly newspaper, if there is such a newspaper published in the county; if not, in the nearest newspaper, which advertisement shall give a description of such estray and the marks and brands thereon. Any person taking up such estray shall also file, within ten days, with the county auditor of the county wherein such estray is taken up, a description of such estray and the marks and brands thereon. Any person taking up such estrays who fails to advertise as aforesaid and file a description thereof with the county auditor as herein provided, shall be guilty of a misdemeanor and shall be liable to the owners of such estray for all damage caused by neglecting to advertise as herein provided.

Approved March 10, 1903.

CHAPTER 97.

[H. B. No. 27—Lyons.]

RELATING TO ESTRAYS.

AN ACT to Amend Sections 1576, 1578 and 1580 of the Revised Codes of 1899, Relating to Estrays.

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

§ 1. AMENDMENT.] That section 1576 of the revised codes of 1899 be and the same is hereby amended to read as follows:

§ 1576. ADVERTISER BECOMES OWNER. WHEN. EXCEPTION.] If such estray shall not be claimed and taken away within one year after advertisement thereof in such official newspaper, and if the person taking up such estray shall have caused the same to be duly advertised as herein provided, and shall not in any respect have violated the provisions of this article, the property therein shall immediately vest in the person taking up the same; provided, the appraised value of such estray does not exceed twenty-five dollars.

§ 2. AMENDMENT.] That section 1578 of the revised codes of 1899 be and the same is hereby amended to read as follows:

§ 1578. CHARGES ALLOWED.] Any person taking up estrays may charge for actual time employed and for actual damage done to his crops or premises. He shall also be allowed his actual cost of feeding and caring for such estrays; provided, however, that if any person taking up an estray shall have caused the same while so in his possession to perform any labor for his own benefit, no compensation whatever shall be allowed him for feeding or caring for such estray for any portion of the time after such animal shall have been taken up by him.

§ 3. AMENDMENT.] That section 1580 of the revised codes of 1899 be and the same is hereby amended to read as follows:

§ 1580. MAY BE SOLD. WHEN.] If the appraised value of any estray exceeds twenty-five dollars, and the same is not called for within one year after the advertisement in the official estray paper, the person taking up such estrays shall notify some justice of the peace of the county, and such justice shall designate a place where such sale shall be held, and shall name the day, and the time of day for such sale, and cause notice of such sale to be published three times in a weekly newspaper, if there is one published in the county; in case no paper is published in the county, this notice shall be posted in three public places in the county at least twenty-two days before such sale, and on the appointed day the person taking up such estray shall have the same present at the place, and the justice shall proceed to sell such estray at public auction for cash, and after paying the proper fees and charges for taking up such estray and feeding and caring for same, to be fixed by such justice, and the fees advanced for the advertisement and appraisal of such estray as herein provided, and after deducting the fees allowed such justice for such sale and advertisement thereof, the residue of the proceeds of such sale shall be paid to the county treasurer, who shall receipt to the justice therefor. All moneys so deposited with the county treasurer shall by him be retained in the treasury for six months thereafter, separate and apart from all other moneys, and if the owner of any such estray shall within such period appear before the board of county commissioners and establish his title to such estray, such board shall order the amount so paid into the treasury to be paid to such owner. If no

such person appears within six months after the deposit of such money as herein provided, the same shall be passed to the school fund of the county and shall be accounted for and expended as other school money.

Approved February 28, 1903.

EXAMINATIONS.

CHAPTER 98.

[H. B. No. 6—Ryan.]

EXAMINATION OF ADVERSE PARTY UNDER RULES OF CROSS-EXAMINATION.

AN ACT to Provide for the Examination of a Party, or of Officers of a Corporation, at the Instance of an Adverse Party, as if Under Cross-Examination at the Instance of the Adverse Party or Parties Without the Party Calling Such Witness Being Concluded by the Testimony Given.

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

§ 1. WHO MAY BE EXAMINED.] A party to the record of any civil action or proceeding, or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent or managing agents of any corporation which is a party to the record in such action or proceeding, may be examined upon the trial thereof as if under cross-examination at the instance of the adverse party or parties, or any of them, and for that purpose may be compelled in the same manner and subject to the same rules of examination as any other witness to testify; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony; provided, that this act shall not apply to cases tried under the provisions of section 5630 of the revised codes, unless the party plaintiff or defendant invoking the statute is at the time exercising the right of rebuttal.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in this, there is now no adequate provision of law providing for the examination of an adverse party under the rules of cross-examination, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1903.