

as aforesaid to a contractor or sub-contractor, shall be entitled to file such lien under this chapter unless he notified the owner, or one of the owners in cases of joint owners, of the premises upon or for which the same is to be used, by registered letter immediately after the making of such contract to so furnish material or machinery or fixtures to such contractor or sub-contractor, that he is about to furnish the same, and the probable charge therefor; provided, further, that where the work or material for which a mechanic's lien is being claimed was furnished under contract with a contractor or sub-contractor, the property owner shall not be liable to lien claimants to an aggregate amount greater than the contract price he was to pay such contractor or sub-contractor. The owner shall be presumed to have consented to the furnishing of such labor or material or machinery or fixtures if at the time, he had knowledge thereof, and did not give notice of his objections thereto to the person entitled to such lien. The provisions of this chapter shall not be construed to apply to claims or contracts for lightning rods or any of their attachments.

Approved March 5, 1909.

LIVE STOCK

CHAPTER 159.

[S. B. No. 4—Gunderson]

GLANDERED HORSE INDEMNITY APPROPRIATION.

AN ACT to Appropriate the Sum of Eighty Thousand Dollars, or As Much Thereof as May Be Necessary to Indemnify Persons Who Have Lost Animals From the Disease Known as Glanders.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of eighty thousand dollars, or as much thereof as may be necessary, out of the monies in the state treasury, not otherwise appropriated, for the purpose of paying approved claims now on file or that may hereafter be filed in the state auditor's office, asking for indemnity for horses, geldings, mares, asses and mules killed or destroyed on account of being affected with the disease known as glanders, according to house bill numbered two hundred twenty-five, passed by the tenth legislative assembly of the state of North Dakota, being an act indemnifying the owners for animals killed or destroyed, according to law, for being affected with the disease known as glanders.

§ 2. EMERGENCY.] An emergency exists in this, that animals have been killed, claims approved and there is no designated fund out of which the warrants to be issued for such claims can be paid, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1909.

CHAPTER 160.

[S. B. No. 340—Leutz]

MARKING OF TUBERCULOUS CATTLE.

AN ACT to Compel the Proper and Permanent Marking of Tuberculous Cattle When Shown or Proven to be so by the So-called "Tuberculin" Test.

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

§ 1. TUBERCULOUS CATTLE TO BE BRANDED.] Hereafter all cattle that are proven tubercular by the so-called "tuberculin" test after having been tested by a legally qualified and duly authorized veterinary surgeon or the owner of such cattle or his agent, shall be immediately marked by punching the letter "T" in the left ear, said letter to be not less than one inch in height and breadth.

§ 2. PENALTY.] Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten nor more than fifty dollars, or by confinement in the county jail for not less than ten nor more than thirty days or both.

Approved March 16, 1909.

CHAPTER 161.

[H. B. No. 162—Moen, of Benson]

STALLIONS.

AN ACT to Regulate the Public Service of Stallions in North Dakota, and Providing a Penalty for the Violation Thereof.

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

§ 1. LICENSES. RECORDING OF LICENSES.] Every person, firm or company standing or using any stallion for public service in this state, shall cause the name, description and pedigree of such stallion to be enrolled by a stallion registration board hereinafter provided for, and shall secure a license from said board as provided in section three of this act. All license certificates for stallions is-

sued under this act shall be presented to and recorded by the register of deeds of the county or counties in which said stallion is used for public service.

§ 2. STALLION REGISTRATION BOARD, HOW COMPOSED. DUTIES. COMPENSATION.] In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register all pedigrees, and to provide the necessary inspection; to issue stallion license certificates; to make all necessary rules and regulations, and to perform such other duties as may be necessary to carry out the provisions of this act. Said board shall hold its meetings at the agricultural college; these meetings not to exceed four in number each year; providing that the president of the board has power to call special meetings whenever in his judgment it becomes necessary. The members of the board shall receive as compensation for their services the sum of three dollars per day for each day employed, and five cents per mile actually and necessarily traveled in attending the meetings of the board, which sum shall be paid out of the state treasury upon vouchers of the board, duly certified by the president and secretary thereof. The stallion registration board shall be composed of the professor of animal husbandry of the state agricultural college, who shall be ex-officio secretary and executive officer of this board; the professor of veterinary science of the state agricultural college; the state commissioner of agriculture and labor; the president of the state live stock sanitary board, and the president of the North Dakota live stock association.

§ 3. VETERINARY INSPECTION AND VERIFICATION OF BREEDING.] In order for the owner of a stallion to secure the license herein provided for, the stallion must pass a veterinary examination as herein provided for, and be free from any infectious, contagious or transmissible disease or unsoundness. The owner of such stallion must also furnish to the stallion registration board the stud book registry certificate of pedigree of the stallion and all necessary papers relating to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure bred stallions), and the horse has passed the necessary veterinary inspection, as provided for in this act, a license certificate shall be furnished. The presence of any one or more of the following named diseases shall disqualify a stallion from public service and are hereby defined as infectious, contagious or transmissible disease or unsoundness for this act: Cataract, amaurosis, laryngeal, hemiplegia (roaring or whistling), chorea (St. Vitus Dance, campness, springhalt), glanders, farcy, maladie du coit, urethral gleet, mange, bone spavin, side bone and curb when accompanied by curby hock. The stallion registration board is hereby authorized to refuse certificates of enrollment to any stallion affected with any of these diseases specified and to revoke a previously issued license certificate of any stallion found upon examination to be so affected.

§ 4. EXAMINATION OF STALLIONS, METHODS, ETC.] The veterinary examination of the stallions provided for in this act must be done by a qualified graduate veterinarian who shall be in the employ of the stallion registration board. The stallion must be brought for examination to the nearest point where the inspector will be stationed on specified dates. The stallion owner must be given at least ten days' notice of the dates when the inspector will be at specified towns of the county, in which the owner of the stallion resides. The inspector must not make known the results of the inspection of a stallion to the owner, at the time of inspection, but report to the secretary of the stallion registration board, who will notify the owner at the time he grants or refuses to grant him a license certificate for his horse.

§ 5. METHOD OF CARING FOR PROTESTS.] Whenever a stallion has been rejected by the registration board and the owner is not satisfied with the decision of the official of the board, the owner may file a protest against the decision of the official inspector, and said protest shall state that to the best knowledge and belief of the person making the protest, the stallion in question is eligible to be granted a license; whereupon an examination of the stallion in question shall be made by three experts, one appointed by the stallion registration board, one by the owner of the stallion; and the third by the other two experts already provided for, but all experts shall be graduates of recognized veterinary colleges. In case all three or any two of the experts declare the stallion is eligible to receive a license, then the expense of the consultation shall be paid by the stallion registration board, out of such funds as are hereinafter provided for, or if three or any two of the experts declare the horse not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person making the protest and it may be collected in same manner as in any case of an appeal in civil action.

§ 6. AUTHORITY TO GRANT TEMPORARY LICENSES.] The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

§ 7. POSTING COPIES OF LICENSE CERTIFICATES.] The owner of any stallion standing for public service in this state shall post and keep affixed during the entire breeding season copies of the license certificates of such stallion, issued under the provisions of this act, in a conspicuous place upon the main door leading into every stable or building where the said stallion stands for public service. Said copies shall be printed in bold face and conspicuous types, not smaller than pica, especially the word "pure bred," "grade," etc.

§ 8. FORM OF LICENSE CERTIFICATE.] The license certificates issued after proper examination for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the United States department of agriculture, or in any American stud book or registry association that recognizes and records stallions that have five pure top crosses, shall be in the following form:

STALLION REGISTRATION BOARD.

LICENSE CERTIFICATE OF PURE BRED STALLION.

The pedigree of the stallion.....(name).....owned bybred bydescribed as follows:, has been examined at the agricultural college, N. D., division of animal husbandry, and it is hereby certified that the said stallion is of pure breeding, is registered in a studbook recognized by the department of agriculture, Washington, D. C. The above named stallion has been examined by....., a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of North Dakota.

(Signed)

Professor of Animal Husbandry and
Secretary Registration Board.

The license certificate issued after proper examination for a stallion whose sire or dam is not of pure breeding shall be in the following form:

STALLION REGISTRATION BOARD.

LICENSE CERTIFICATE OF GRADE STALLION.

The pedigree of the stallion(name)owned bybred bydescribed as follows color breed.....foaled in the yearhas been examined at the agricultural college, N. D., division of animal husbandry, and it is hereby certified that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any studbook recognized by the department of agriculture, Washington, D. C.

The above named stallion has been examined by a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of North Dakota.

(Signed)

Professor of Animal Husbandry and
Secretary Stallion Registration Board.

§ 9. ADVERTISEMENT MUST CONTAIN COPY OF LICENSE.] Every bill, poster or advertisement issued by the owner of any stallion licensed under this act, or used by him for advertising such stallion, shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading.

§ 10. FEES FOR GRANTING LICENSE AND INSPECTION.] A fee not exceeding two dollars shall be paid to the secretary of the stallion registration board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallions as above provided. A fee not exceeding one dollar shall be paid annually for the renewal of pedigree certificate and service license. A fee of five dollars shall also be paid for the veterinary examination of the stallion as provided in this act. This fee shall be collected by the inspector at the time the inspection is made. Stallions shall be examined every three years until ten years of age and after the first examination, they shall be exempt from re-examination if they are ten years of age or over.

§ 11. FEE FOR TRANSFER OF LICENSE.] Upon a transfer of the ownership of any licensed stallion under the provisions of this act, the license certificate may be transferred by the secretary of this board to the transferee upon submittal of satisfactory proof of such transfer of ownership upon payment of fifty cents.

§ 12. HOW EXPENSES ARE PROVIDED FOR. BOARD MAKES ANNUAL REPORT TO GOVERNOR.] The funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to pay for the services and expenses of the veterinary inspector; to publish reports or bulletins containing lists of stallions examined; to encourage the horse breeding interests of this state, to disseminate information pertaining to horse breeding, and for any other purpose as may be necessary to carry out the purposes and enforce the provisions of this act. It shall be the duty of this board to make annual report, including a financial statement, to the governor of the state, and all financial records of said board shall be subject to inspection at any time by the public examiner.

§ 13. PROVISION FOR A LIEN ON THE COLTS OF A LICENSED STALLION.] If the provisions of this act are complied with the owner of a stallion may file a lien upon any colt gotten by such stallion for the sum stipulated to be paid for the services of the stallion at any time before the colt is one year old in case the price agreed upon for such service remains unpaid, and sell the same at public auction upon ten days' notice to be posted in at least three public places in the town where the owner of such colt resides, and apply the proceeds of such sale to the payment of the amount due for such services and the expenses of such seizure and sale, returning the residue to the owner of the colt.

§ 14. PENALTY FOR VIOLATION OF LAW.] Violation of any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 15. POWER OVER AND OF PEACE OFFICERS.] The stallion registration board shall have power to call any sheriff, deputy sher-

iff or constable to execute its orders, and officers shall obey the orders of said board, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid therefor in like manner. Any officer may arrest or take before any justice of the peace of the county any person found violating any provision of this act, and such officers shall immediately notify the state's attorney of such arrest and he shall prosecute the person so offending according to law.

§ 16. REPEAL.] All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

§ 17. WHEN IN FORCE.] This law will go into effect January 1, 1910.

Approved March 16, 1909.

CHAPTER 162.

[S. B. No. 124—Baker]

DISEASED ANIMALS.

AN ACT to Amend, Repeal and Re-enact Section 2005 of the Revised Codes of 1905, Relating to the Sale or Other Disposition of Animals Affected With Contagious or Infectious Diseases and the Use of Milk or Hides from any Such Animals.

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

§ 1. AMENDMENT.] Section 2005 of the revised codes of 1905 is amended so as to read as follows:

§ 2005. DUTY OF OWNERS OF STOCK. ANIMALS IN TRANSIT.] The following regulations shall be observed in all cases of disease covered by this article:

First: It shall be unlawful to sell, give away, or in any manner part with any animal affected with or suspected of being affected with any contagious or infectious disease, with such exception as shall be provided for by the rules and regulations of the live stock sanitary board, and in case of any animal that may be known to have been affected with or exposed to any such disease within one year or prior to such disposal due notice of the fact shall be given in writing to the person receiving the animal.

Second: It shall be unlawful to kill for butcher purposes any such animals, or to sell, give away, or use any part of it or its milk, or to remove any part of the skin, with such exceptions as shall be provided for by the rules and regulations of the live stock sanitary board. A failure to observe these provisions shall be deemed a misdemeanor and on conviction shall be punished by a fine of not less than one hundred dollars or be imprisoned in the county jail for a term of not less than thirty days nor more than one year. It shall be the duty of the owner, agent or person, having in charge any

animal infected or suspected of being infected with any contagious or infectious disease, immediately to confine the same in a safe place, isolated from all other animals and with all necessary restrictions to prevent the dissemination of the disease, until the arrival of an accredited agent of the live stock sanitary board.

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

§ 3. EMERGENCY.] Whereas, under the act amended the proper disposal of animals affected with certain diseases is rendered impossible, an emergency is declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.

MARRIAGES

CHAPTER 163.

[S. B. No. 298—Overson]

VALIDATING LICENSES.

AN ACT to Amend and Re-enact Section 9015 of the Revised Codes of North Dakota for 1905, Validating Marriages Performed Without Authority or Where Licenses Have Been Issued by a Clerk of the County Court.

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

§ 1. AMENDMENT.] Section 9015 of the revised codes of North Dakota for 1905 is amended and re-enacted to read as follows:

§ 9015. WHEN MARRIAGE WITHOUT AUTHORITY VALID.] No marriage shall be void by reason of being performed without authority, or on account of the marriage license being issued by a clerk of the county court, if otherwise lawful and the parties thereto, or one of them, believes it lawful. All marriages otherwise lawful heretofore solemnized where marriage licenses have been issued by a clerk of the county court are hereby declared valid.

Approved March 15, 1909.