

## ANIMALS

### CHAPTER 2.

[H. B. No. 288—DeNault]

#### ABUSE OF DOMESTIC ANIMALS.

AN ACT to Amend Section 9319 of the Revised Codes of North Dakota for 1905, Relating to the Abuse of Domestic Animals and Providing Punishment Therefor.

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

Section 9319 of the Revised Codes for 1905 is hereby amended to read as follows:

§ 9319. ABUSING DOMESTIC ANIMALS. PUNISHMENT.] Every person who shall wilfully overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary food or water, or cruelly beat any animal, and any person who causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented or deprived of necessary food or water or cruelly beaten, and any person who shall work any animal or cause the same to be worked when unfit for work, and any person who shall unnecessarily expose any animal to heat or cold or leave the same hitched and uncovered in cold weather or storm is punishable by imprisonment in the county jail not less than ten days and not exceeding thirty days or by a fine of not less than five dollars and not exceeding one hundred dollars or by both, such fine and imprisonment. Any officer finding any animal maltreated, abused or unsheltered in any of the manners heretofore specified shall cause the same to be released and properly cared for and the charges therefor shall be a first lien upon such animal to be collected as in case of pledge. Provided, in case there exists of record any lien against such animal so taken it shall be the duty of the person holding such animal to notify the record holder of such lien of the taking of such animal and the amount of charges against the same, and unless said record lien holder pays the same within three days from the date of the service of such notice, then, in that case, and in case of the sale of such animal to pay the charges for keeping the same, title to such animal shall pass by such sale in the same manner as though no record lien existed against such animal. And it shall be the duty of all incorporated municipalities that are supplied with water in whole or in part by a system of water works, to provide suitable and sufficient number of watering troughs wherein water for stock shall be kept at all times between May 1st and

October 15th in each year. But nothing in this section contained shall be construed to mean herds of stock which do not properly belong in any such municipality, and if any person or persons shall knowingly water at any such water troughs any animal infected with any infectious disease he shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be punished by a fine not exceeding the sum of twenty-five dollars, or by imprisonment in the county jail not to exceed the term of fifteen days or by both such fine and imprisonment.

Approved March 6, 1911.

## ADOPTION

### CHAPTER 3.

[H. B. No. 264—O'Connor of Grand Forks]

#### ADOPTION OF MINOR AND ABANDONED CHILDREN.

AN ACT to Amend Section 4112 of the Revised Codes of 1905, Relating to the Adoption of Minor Children, and Children Who Have Been Abandoned.

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

§ 1. AMENDMENT.] That section 4112 of the Revised Codes of 1905 be amended to read as follows:

§ 4112. CONSENT OF PARENTS, GUARDIAN OR COUNTY COMMISSIONERS.] A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother if living, except as hereinafter provided. Such consent is not necessary from a parent deprived of civil rights, or adjudged guilty of adultery or cruelty, and for either cause divorced, or from a parent adjudged to be an habitual drunkard, or of unsound mind, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. If a child, under the age of four years has been in the sole care of persons other than its parents, with or without their consent or approval for the period of two years or over, and if its parent or parents have refused or neglected to support such child, then and in that case it may be legally adopted by the person so having the custody of such child by first obtaining the consent of the mother, or upon due proof of the facts of the parent or parents having refused to support such child for a period above specified, then such child may be adopted without the consent of such parent or parents. If a child has been abandoned by its parent or parents for a period of at least two years