

to the garnishee summons and will maintain him to be liable as garnishee, in which case the issue shall stand for trial as a civil action, in which the affidavit on the part of the plaintiff shall be deemed the complaint, and the garnishee's affidavit the answer thereto.

Approved, February 10, 1915.

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## GLANDERS AND DOURINE

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### CHAPTER 164.

[H. B. No. 463—Turner and Westdal.]

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#### GLANDERS AND DOURINE HORSE FUND.

AN ACT to Designate the Glandered Horse Fund as the Glanders and Dourine Horse Fund, and to Provide for the Appraisement of Animals and Indemnification to Owners for Animals Destroyed for Dourine, and the Payment Therefor.

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

§ 1. DESIGNATING GLANDERS AND DOURINE HORSE FUND.] The fund indicated in Section 2736, Compiled Laws of State of North Dakota for the year 1913, as the Glandered Horse Fund shall hereby be designated as the Glanders and Dourine Horse Fund.

§ 2. DIVERTING FUND.] All moneys now in or hereafter deposited in the Glandered Horse Fund shall be placed in the Glanders and Dourine Horse Fund and shall be preserved inviolate for the payment of claims for indemnity allowed for animals destroyed for either glanders or dourine.

§ 3. APPRAISEMENT. HOW MADE.] Whenever the State Live Stock Sanitary Board, or its authorized agent shall deem the slaughter of a stallion, gelding, mare or jackass necessary for being infected with dourine, the value of such animals shall be determined by the actual market selling-price and the appraisement made accordingly by an agent of the State Live Stock Sanitary Board. *Provided*, that the maximum appraisement for any grade stallion, gelding, mare or jackass shall be one hundred .(\$100.00) dollars, and the maximum appraisement for any purebred registered stallion, mare or jackass shall be one hundred fifty (\$150.00) dollars. *Provided*, that the indemnity paid by the state shall be a sum equal to the indemnity paid in each case by the Federal Government.

§ 4. INDEMNIFICATION FOR ANIMALS DESTROYED FOR DOURINE.] The owner of any animal, appraised, condemned and destroyed for

dourine shall be paid one-half the appraised value, as provided in Section 3 of this Act, when such appraisement, condemnation and destruction of animal has been properly certified to by the agent of the Live Stock Sanitary Board; *provided*, that the right of indemnity shall not exist and payments shall not be made in the following cases:

1st. For animals belonging to the United States or the State of North Dakota, or any city, county, township or village in the state.

2nd. When the owner or claimant at the time of coming into possession of the animal or animals knew such animal or animals to be diseased with dourine or exposed to such disease.

3rd. For animals found to have been diseased at the time of their arrival in this state.

4th. For animals that are brought into the state to do contract work.

5th. When the animal or animals at the time of their destruction have been in the state less than six months.

6th. When the owner or owners shall have been guilty of negligence or willfully exposing his or their animal or animals to the influence of infected animals.

7th. When the owner or claimant is not a resident of the State of North Dakota.

All claims shall be approved by the State Auditing Board, and the State Auditor shall issue warrants against the Glanders and Dourine Horse Fund for the amount of indemnity.

§ 5. EMERGENCY.] An emergency exists from the fact that the state has become obligated to the Federal Government to incur the expense of one-half the indemnity for animals destroyed for dourine, 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 11, 1915.