
ESTRAYS

CHAPTER 160.

[S. B. No. 173—Davis.]

ESTRAY NOTICES.

AN ACT to Amend Section 1972, Section 1973, as Amended by Chapter 117 of the Laws of 1907, and Section 1974 of the Revised Codes of 1905, Relating to Notice of Taking Up Estrays.

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

§ 1. AMENDMENT.] Section 1972, Revised Codes of 1905, is amended and re-enacted to read as follows:

§ 1972. BY WHOM AND WHEN TAKEN UP.] No person shall take up an estray animal except in the county wherein he resides and is a householder, nor unless such estray is found in the vicinity of his place of residence, nor take up an estray animal mentioned in the next Section during the period when it shall be lawful for stock to run at large in said county, unless the same is found trespassing upon the premises or within the inclosure of the person taking up the same.

§ 2. AMENDMENT.] Section 1973, Revised Codes of 1905, as amended by Chapter 117 Laws of 1907, is hereby amended and re-enacted to read as follows:

§ 1973. NOTICE OF TAKING UP ESTRAYS.] Each person taking up an estray, horse, mare, colt, ass mure or meat cattle, sheep, hog, or goat shall, within ten days thereafter, give notice of the finding and taking up of said animal, in the nearest weekly newspaper published in the county where such animal is found. Such notice shall truly describe the animal found by giving its color, sex, probable age and weight, and all the marks and brands thereon. Immediately after the first publication of said notice the publisher thereof shall send by registered mail to the commissioner of agriculture and labor and to the county auditor of the county in which said animal was found, a newspaper clipping containing the same. Unless such animal is earlier claimed the notice shall be published in said paper for three successive weeks, and immediately after the third publication a printed copy thereof shall be forwarded by registered mail to the state estray paper. The registry receipts for the notices sent out of the said state estray paper to the commissioner of agriculture and labor

and to the county auditor, as provided for herein, together with proof of publication of such notice for three successive weeks, shall be filed in the office of the county auditor of the county where the estray was found before it can be appraised, or before appraisers can be appointed. Unless such receipts and proof of publication are so filed the publisher of said paper shall forfeit all right to his publication fees, and shall be liable to civil damages for any loss or damage caused by his neglect, and the person taking up said estray, unless he shall cause the same to be filed, shall forfeit all right to reimbursement for charges, costs and damages. Any person taking up an estray who fails to advertise the same, or otherwise comply with the provisions of this Section, shall be liable to the owner for all damages caused by such negligence or failure, and shall be guilty of a misdemeanor; *provided*, if any person shall take up an estray which is apparently worthless, such estray may be at once appraised, and if found worthless may be destroyed. The person taking up the same shall notify some justice of the peace of the county, and such justice shall immediately choose one disinterested free-holder as one appraiser; the party taking up the estray shall choose another disinterested free-holder, and the two so chosen shall appoint a third person living in the vicinity where the estray was taken up, and the three persons so chosen shall constitute a board of appraisers who shall act without compensation. If such appraisers shall appraise the estray as worthless it shall be destroyed by the party taking it up.

§ 3. AMENDMENT.] Section 1974, Revised Codes of 1905, is amended and re-enacted to read as follows:

§ 1974. OFFICIAL ESTRAY PAPER. PAYMENT OF FEES.] A weekly newspaper published in the state shall be designated by the governor as the official newspaper in which all estray notices of the state received by said paper shall be published once. It shall be the duty of the publisher of said paper to transmit one copy, weekly, to the county auditor of each county in the state and to the commissioner of agriculture and labor at his office at the state capitol. If such publisher shall fail to transmit copies thereof as herein provided he shall forfeit all right to his fees for publication of estray notices, and shall be liable in civil damages for any loss or damage caused by his neglect. The board of county commissioners of each county shall, on the first Monday of January each year, appropriate the sum of five dollars to pay the official estray paper for such publications.

Approved March 14, 1913.