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## GLANDERED HORSES

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### CHAPTER 175.

[H. B. No. 13—Enderson.]

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#### GLANDERS.

AN ACT to Amend and Re-enact Chapter 170 of the Laws of 1907, Entitled, "An Act Indemnifying Owners for Animals Killed or Destroyed According to Law for Being Affected with the Disease Known as Glanders."

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

§ 1. AMENDMENT.] Sections 1, 2, 3, and 4, Chapter 170, Session Laws of 1907 are hereby amended and re-enacted to read as follows:

§ 1. APPRAISAL. HOW MADE.] Whenever the state live stock sanitary board, or any of its authorized agents, shall deem the slaughter of a horse, gelding, mare, ass or mule necessary under the provisions of Section 10, Chapter 169, Session Laws of 1907, the actual value of said animal at the time of appraisal shall be determined by the state live stock sanitary board or its agent within twenty-four hours after the killing or destruction is ordered; *provided*, that if the owner or keeper is aggrieved by such appraisal he may cause a board of appraisers to be appointed according to Section 2 of this Act; *provided* the provisions of this Section shall not prevent the owner or keeper of animals condemned and ordered destroyed by the live stock sanitary board from the right of protest and examination as provided for in Section 10 of Chapter 169, Session Laws of 1907.

§ 2. APPRAISERS, HOW APPOINTED.] In case the owner, or his agent, of the animal or animals to be destroyed under the provisions of this Act is not satisfied with the appraisal made by the state live stock sanitary board or its agents, he may protest against the same, whereupon a board of three appraisers is to be formed, of which one member shall be the agent of the state live stock sanitary board, one member shall be selected by the owner of the animal or animals involved, and a third member shall be selected by the first two members as herein provided. Whereupon an appraisal of the animal or animals involved shall be made by such board, according to Section 3 of this Act, and in case all appraisers or any two of them agree

upon a certain valuation, this appraisal shall be regarded as final.

§ 3. MAXIMUM VALUATION.] In making the appraisal the value put upon the animal or animals shall be the amount that such animal or animals would be worth had they not been affected with glanders; *provided*, however, that in no case shall the appraised value of any one animal exceed one hundred dollars to be paid by the state as herein after provided.

§ 4. PROCEDURE OF DESTRUCTION AND CERTIFICATION.] It shall be the duty of the state live stock sanitary board or its authorized agent, who ordered the destruction of the animal or animals involved, and who made the appraisal or took part in the same, to give notice of said facts in writing to the owner or keeper of said animal or animals, and to certify to such facts in writing to a justice of the peace of the county in which the said animal or animals are located, describing in said notice the deceased animal or animals with a reasonable degree of certainty, stating the name of the animal when known.

§ 5. DUTY OF OWNER.] It shall be the duty of the owner or keeper of an animal or animals to be destroyed to destroy the same or cause the same to be destroyed and to dispose of the carcas or carcasses or cause the same to be disposed of before two witnesses or before the agent of the live stock sanitary board, in accordance with Section 12 Chapter 169, Session Laws of 1907, and to make proper affidavit of such facts, which shall be sworn to by such witnesses or the agent of the state live stock sanitary board before the justice of peace to whom the certification provided for in Section 4 of this Act was made, within five days after the destruction notice was served upon him.

§ 6. COMPENSATION OF ANIMALS KILLED.] It shall be the duty of the justice of the peace to file with the executive officer of the state live stock sanitary board the certification of the state live stock sanitary board or its authorized agent and the affidavits of the owner or keeper, sworn to according to Section 5 of this Act, that the animal or animals have been killed and buried in accordance with Section 12, Capter 169, Session Laws of 1907. The executive officer of the state live stock sanitary board, after recording the same upon his docket shall examine the same, and if found correct, file the same with the state auditor, who shall issue a warrant on the state treasurer for one-half of the sum named in the appraisers' return.

§ 7. DUTIES OF JUSTICE OF THE PEACE.] When the owner or keeper of animals ordered destroyed by the agent of

the live stock sanitary board fails to comply with such order and to file with the justice of the peace the affidavit herein required, the justice of the peace to whom the notice of the destruction of an animal or animals ordered to be destroyed was made, must notify the sheriff or any constable within the county that the order of the state live stock sanitary board, or its authorized agent, has not been complied with, or that the animal or animals have not been killed and buried as provided for in Section 12, Chapter 169, Session Laws of 1907, failure to make affidavit as provided for in Section 5 of this Act to be construed as non-compliance with the provisions of this Act.

§ 8. DUTY OF SHERIFF.] It shall be the duty of the sheriff or constable of the county, immediately after receiving notice from the justice of the peace to proceed to destroy the animal or animals ordered to be destroyed by the state live stock sanitary board or its authorized agent and the officer performing such duty shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor in like manner.

§ 9. PROCEEDINGS, HOW CONDUCTED. FEES.] The justice of the peace to whom certification is made shall enter upon his docket a record of all proceedings and to tax all costs of justices, officers, and appraisers other than the authorized agent or agents of the state live stock sanitary board, which costs and fees shall be certified by him to the board of county commissioners, and shall be audited and paid out of the general fund of such county, the same as costs in criminal actions before justices of the peace; *provided*, however, that it shall appear in any such proceeding that the animal or animals destroyed have not been kept within the county where the proceedings are had for at least sixty days immediately prior to such order of destruction, then the costs of all proceedings hereunder shall be certified by the county auditor of the county wherein the proceedings took place to the state auditor, who shall issue a warrant on the state treasurer for the amount of the costs paid by the county in favor of the county auditor of such county, such warrant to be paid out of the general fund of the state for the purpose of reimbursing said county.

§ 10. PAYMENTS, WHEN NOT MADE.] The right of indemnity shall not exist and payment 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 com-

ing into possession of the animal or animals knew such animal or animals to be diseased with glanders or exposed to such disease.

3rd. When the owner, his agent or claimant failed to make affidavit of the destruction and disposal of the carcass or carcasses before the justice of the peace as provided for in Section 5 of this Act.

4th. For animals found to have been diseased at the time of their arrival in this state.

5th. For animals that are brought into the state to do contract work.

6th. When the animal or animals at the time of their destruction have been in the state less than six months.

7th. When the owner or owners shall have been guilty of negligence or wilfully exposing his or their animal or animals to the influence of infected or contaminated surroundings.

8th. When the owner or claimant is not a resident of the state of North Dakota.

§ 11. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved March 15, 1913.