

HERD LAW

CHAPTER 178.

[S. B. No. 13—McLean.]

STOCK RUNNING AT LARGE.

AN ACT to Amend Sections 1933, 1934, 1935, 1936, 1937 and 1938 of the Revised Codes of 1905, Relating to Stock Running at Large.

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

§ 1. AMENDMENT.] Sections 1933, 1934, 1935, 1936, 1937 and 1938 of the Revised Codes of North Dakota for 1905 are hereby respectively amended to read as follows:

§ 1933. UNLAWFUL FOR STOCK TO RUN AT LARGE.] It shall be unlawful for cattle, horses, mules, swine, goats and sheep to run at large at any time, except as hereinafter provided.

§ 1934. HERD LAW. HOW AND WHEN SUSPENDED.] The board of county commissioners of each county in the state shall establish stock districts including all of the territory within the county for the purposes hereinafter provided. The boundaries of districts so established shall follow township lines. A stock district may consist of one or more congressional townships, or the entire county may be made to comprise one district, and all districts shall be subject to the jurisdiction of the board of county commissioners for the purpose of this act. If one-fourth of the electors of any such district, as determined by the whole number of votes polled at the general election last held therein, shall file a petition in the office of the county auditor asking that stock be permitted to run at large between certain dates specified in such petition, and that the question of permitting stock to run at large in such district between such dates be submitted to the voters of said district at the next general election, it shall be the duty of the board, within ten days thereafter, at a regular or special meeting, to declare by resolution that stock may run at large within the limits of said district between the dates named in said petition except within the corporate limits of any city or village; but no stallion, jack, boar, ram, bull, or other animals known to be vicious, shall be permitted to run at large at any time. Said resolution shall state the date of its taking effect, and shall be effective to permit stock to run at large between said dates from and after the date speci-

fied in said resolution until said proposition shall have been voted upon by the electors of said district. Provided that the board of county commissioners may, at any regular or special meeting, when it is deemed advisable, adopt the resolution herein authorized without being first petitioned so to do.

§ 1935. WHEN SUBMITTED TO VOTE.] Whenever it shall have been declared lawful for stock to run at large within a certain district between specified dates, then, at the next general election, but at no other time, said question shall be submitted to a vote of the electors of such district. The law governing the giving of notices of general elections shall govern the giving of notice for such election.

§ 1936. FORM OF BALLOTS. EFFECT OF VOTE.] The ballots used at such election shall be in the following form, the dates named in the resolution to be inserted therein:

For stock to run at large between—

Against stock to run at large between—

In voting on the question each voter must place at the right of the proposition he favors the mark "X." If a majority of the ballots cast is in favor of letting stock run at large between said dates, the provisions of Chapter 44 of the Code of Civil Procedure shall not apply during such period, but shall apply at all other times of the year. If a majority of the ballots is against letting stock run at large, the resolution of the board of county commissioners declaring it unlawful for stock to run at large between said dates shall be nullified from and after the canvass of such vote, and said board shall not have authority against to declare a change in the law for a period of two years.

§ 1937. WHEN PROPOSITION MAY AGAIN BE SUBMITTED.] After the electors of any stock district shall have voted to permit stock to run at large as herein before provided such vote may be nullified and stock prohibited from running at large at any time by resolution of the board of county commissioners and vote of the people upon the proceedings provided for the suspension of the provisions of this article. The result of any election held hereunder shall remain in force until changed at some subsequent election, except as herein otherwise provided.

§ 1938. In any stock district in which an election has been held under the provisions hereof and in which the result of such election shall have been declared to be in favor of permitting stock to run at large between certain dates a fence constructed as hereinafter described shall be sufficient and lawful.

Approved March 10, 1913.