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## STALLION REGISTRATION

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### CHAPTER 273.

[H. B. No. 267—Moen.]

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#### STALLION REGISTRATION.

AN ACT to Amend Sections 1, 2, 3, and 5 of Chapter 279 of the Session Laws of 1911, Entitled, "An Act to Amend Sections 1, 3, 5, 8 and 13 of Chapter 161 of the Session Laws of 1909."

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

§ 1. AMENDMENT.] That Section 1 of Chapter 279 of the Session Laws of 1911, being Section 1 of Chapter 161 of the Session Laws of 1909, be, and the same is hereby amended and re-enacted to read as follows:

§ 1. LICENSES. DEFINITION.] No person, firm, company or corporation, shall stand or travel for profit or gain any stallion or jack to be mated with any mare other than mares owned by the owner of such stallion or jack, or sell, offer for sale, exchange or transfer, any stallion or jack to be used for the above purposes, unless and until the owner of such stallion or jack shall have caused the name, description and pedigree of such stallion or jack to be enrolled by the Stallion Registration Board. which board is provided for in Section 2 of said Chapter 161 of the Session Laws of 1909.

The word "stallion" whenever used in this Act shall be construed to include the term "jack" as well.

§ 2. AMENDMENT.] That Section 2 of Chapter 279 of the Session Laws of 1911, being Section 3 of Chapter 161 of the Session Laws of 1909, be and the same is hereby amended and re-enacted to read as follows:

§ 3. VETERINARY INSPECTION AND VERIFICATION OF BREEDING, STANDARD FOR VERIFYING PEDIGREE.] In order for the owner of a stallion to secure the license herein provided for, the stallion must pass a veterinary examination as herein provided for, and be free from all infectious, contagious or transmissible disease or unsoundness. The owner of such stallion must also furnish to the Stallion Registration Board. the stud book registry certificate of pedigree of the stallion. and all necessary papers relating to the breeding and ownership of such stallion. Upon veri-

fication of pedigree and certificate of breeding, in case of pure bred, grade and cross bred stallions, provided the stallion has passed the necessary veterinary inspection, as provided for in this act. a license certificate shall be issued by said board. The presence of any one or more of the following named diseases shall disqualify a stallion from public service and the following named diseases are hereby defined as infectious, contagious, or transmissible diseases and unsoundness for this act: cataract, amaurosis, larynegal hemiplegia (roaring or whistling), string halt, glanders, sidebone, farcy, maladie du coit, urethral gleet, mange, bone spavin, ringbone and curb when accompanied by curby hock. The Stallion Registration Board shall refuse certificate of enrollment to any stallion affected with any of these diseases specified, and shall revoke a previously issued license certificate of enrollment to any stallion affected with any of these diseases specified. and shall revoke a previously issued license certificate of any stallion found upon examination to be so affected.

*Provided*, however. that in event a pure bred stallion, previously licensed, is found upon re-inspection at the stated time as provided for in Section 10 of Chapter 161 of the Session Laws of 1909, to be affected with any unsoundness or disease indicated in this section, the Stallion Registration Board may grant the owner or owners of said stallion a license on condition that the result of the veterinary examination be expressed in the license. Said unsoundness to be set in black faced type of a size not smaller than the type used in the body of the license. The owner or owners of any grade, scrub or mongrel stallion found to be affected with any unsoundness or disease specified herein on the re-inspection provided for in said Section 10 of Chapter 161 of the Session Laws of 1909, shall be refused a license certificate.

The Stallion Registration Board or its authorized agents shall recognize as pure bred and registered only such stallions as have been recorded in some stud book. the standing and merit of which has been approved, passed upon, and placed upon a recognized list by the Stallion Registration Board.

§ 3. AMENDMENT.] That Section 3 of Chapter 279 of the Session Laws of 1911. being Section 5 of Chapter 161 of the Session Laws of 1909, be. and the same is hereby amended and re-enacted to read as follows:

§ 5. METHOD OF CARING FOR PROTESTS.] Whenever a stallion has been rejected by the Stallion Registration Board

and the owner is not satisfied with the decision of the members of said board, the owner may file with said board a protest accompanied by a deposit of twenty-five dollars, either in currency or a certified draft, against the decision of said board or its official inspector, and a sworn statement from a qualified graduate veterinarian, stating that he has examined the stallion in question and found said stallion free from the unsoundness or disease for which said stallion was previously refused a license certificate; whereupon an examination of the stallion shall be made by three experts, one expert to be appointed by the Stallion Registration Board, one by the owner of the stallion, and the third to be chosen by the other two experts already appointed, but all such experts shall be graduates of recognized veterinary schools. In case all three or any two of the experts declare the stallion eligible to receive a license, then the expense of the consultation shall be paid by the Stallion Registration Board out of funds as provided for in Section 12 of Chapter 161 of the Session Laws of 1909; or if three or any two of the experts declare the stallion to be ineligible in accordance with the provisions of this act, the expense incurred shall be paid out of the deposit as herein provided for, any part remaining thereof to be returned to said owner.

§ 4. AMENDMENT.] That Section 5 of Chapter 279 of the Session Laws of 1911, being Section 13 of Chapter 161 of the Session Laws of 1909, be, and the same is hereby amended and re-enacted to read as follows:

§ 13. PROCEDURE TO OBTAIN LIEN, PENALTY AND FORECLOSURE.] The owner of any stallion who shall have complied with all of the provisions of this law, shall have a lien upon the offspring and upon the mare served, upon filing at any time within 12 months after the service, in the office of the Register of Deeds of the county in which said mare was kept at the time of service, a statement of the account thereof, together with a description of the mare served. Such lien shall exist for a period of one year from the filing of such statement, and shall have priority over all other liens or incumbrances upon the offspring; such lien shall attach at the time of service of such stallion and shall not be lost by reason of the sale, exchange or removal from the county in which such mare was kept at the time of service, or other disposition without the consent of the person holding the lien.

Every person having in his possession or under his control any mare and offspring upon which there is known to him to be an existing lien for the service of a stallion as provided for herein, who removes from the county, con-

ceals, sells, or in any manner disposes of, otherwise than as prescribed by law. such mare or offspring without the consent of the holder of such lien. is guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than twenty-five dollars and not more than fifty dollars.

At any time after the filing of such lien when the amount therein specified shall have become due, the lien may be enforced by a sale of property covered thereby, upon the notice and in the manner provided for the foreclosure of mortgages upon personal property, and costs and fees for such foreclosure shall be the same. as provided for in Section 7507 of the Code of Civil Procedure of the Revised Codes of 1905.

§ 5. MONGREL AND SCRUBS NOT TO BE LICENSED AFTER JANUARY 1, 1916.] It is hereby provided that after January 1, 1916. no scrub or mongrel stallion shall be enrolled and licensed as provided in Chapter 161 of the Session Laws of 1909, as amended by Chapter 279 of the Session Laws of 1911 and amendments thereto. All licenses for mongrel or scrub stallions issued before that date shall be continued in force if properly renewed. however providing the said stallions meet the requirements provided for by such law.

§ 6. IMPORTATION OF STALLIONS.] Every person, firm or company importing any stallion into the state of North Dakota for breeding purposes shall first secure a certificate from a recognized state or federal veterinarian, certifying that said stallion is free from any or all of the diseases or unsoundness refered to in Section 3 of this Act. A copy of such certificate must be mailed to the secretary of the Stallion Registration Board at least five days before the importation of such stallions into the state.

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

§ 8. EMERGENCY.] Whereas, an emergency exists for the passage of this law, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14. 1913.