

ESTRAYS

CHAPTER 117.

[H. B. No. 230—Thoreson]

ESTRAYS.

AN ACT to Amend Section 1973 of the Revised Codes of 1905, Relating to Estrays.

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

§ 1. AMENDMENT.] Section 1973 of the revised codes of 1905 is amended to read as follows:

§ 1973. NOTICE OF TAKING UP ESTRAYS.] Each person taking up an estray horse, mare, colt, ass, mule, or neat cattle, sheep, hog or goat, shall within ten days thereafter give notice of the finding and taking up of the said animal in a weekly newspaper, if there is such a newspaper published in the county; if not, in the nearest newspaper, which advertisement shall give a description of such estray and the marks and brands thereon. Any person taking up such estray shall also file, within ten days, with the county auditor of the county wherein such estray is taken up, a description of such estray and the marks and brands thereon. Such person shall also, within ten days from the time of taking up such estray, mail to the commissioner of agriculture and labor, at his office in Bismarck, by registered mail, a true copy of the notice hereinbefore required to be given to the county auditor of the respective counties. The receipt for the registered letter and proof of publication of the notice as herein provided must be filed with the county auditor of the county where such estray was taken up before said estray can be appraised or before appraisers can be appointed. Any person taking up such an estray who fails to advertise such estray or who fails to file a description thereof with the county auditor or fails to mail a copy of said notice to the commissioner of agriculture and labor as herein provided, shall be guilty of a misdemeanor and shall be liable to the owners of such estray for all damages caused by neglecting to advertise as herein provided; 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 such estray shall notify some justice of the peace of the county, and such justice shall immediately choose one

disinterested freeholder as one appraiser, the party taking up the estray shall choose one disinterested freeholder, and the two so chosen shall appoint a third person living in the vicinity where the estray was taken up, and the three persons 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.

Approved March 13, 1907.

EVIDENCE

CHAPTER 118.

[S. B. No. 251—Purcell]

BUSINESS RECORDS EVIDENCE.

AN ACT Making Entries in a Book or Other Permanent Form Evidence in Certain Cases.

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

§ 1. BUSINESS RECORD RECEIVED AS EVIDENCE.] Any entries in a book or other permanent form, in the usual course of business, contemporaneous with the transactions to which they relate and as a part of or connected with such transactions, made by persons authorized to make the same, may be received in evidence when shown to have been so made upon the testimony either of the person who made the same, or if he be beyond the reach of a subpoena of the trial court or insane, of any person having custody of the entries and testifying that the same were made by a person or persons authorized to make them in whose handwriting they are, and that they are true and correct to the best of his knowledge and belief. In case such entries are, in the usual course of business, also made in other books and papers as a part of the system of keeping a record of such transactions, it shall not be necessary to produce as witnesses all of the persons subject to subpoena who were engaged in the making of such entries; but before such entries are admitted the court shall be satisfied that they are genuine and in other respects within the provisions of this section.

Approved March 19, 1907.