

sending same in a registered letter addressed to such lienholder at his last known postoffice address; and provided, further, that the holder of any mortgage against property on which the lien herein provided for, shall have been filed, may at any time previous to sale, pay off the amount due on such lien, the holder thereof shall assign the same to such person and thereafter he shall be entitled to all the rights that the person filing said lien would have been had the same not been paid.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, the present laws of this state, relating to liens for repairs of personalty, being inadequate, therefore an emergency exists, and this law shall be in effect from and after its passage and approval.

Approved March 13, 1907.

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## LIVE STOCK

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### CHAPTER 169.

[S. B. No. 235—Talcott]

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#### LIVE STOCK SANITARY BOARD.

AN ACT to Establish the Live Stock Sanitary Board of North Dakota and to Provide for the Suppression and Control of Dangerous, Contagious and Infectious Diseases of Domestic Animals.

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

§ 1. LIVE STOCK SANITARY BOARD, HOW COMPOSED. TERM OF OFFICE.] A board is hereby established to be known as the "state live stock sanitary board." This board shall consist of five members to be appointed by the governor. One shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year, whose term of office shall commence on the first day of April, 1907, and the successor of each shall be appointed for the term of five years thereafter and until their successors are appointed and qualified. Each member of said board shall be a qualified elector of the state of North Dakota. Three members of said board shall be persons who are financially interested in the breeding and maintenance of live stock in the state of North Dakota and the other two members of said board shall be com-

petent veterinarians who are graduates of some regularly organized and recognized veterinary college or university.

§ 2. BOARD ESTABLISHES RULES AND REGULATIONS.] It shall be the duty of the said state live stock sanitary board to protect the health of the domestic animals of this state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of dangerous, contagious and infectious diseases among the domestic animals of the state of North Dakota, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for the conduct of the business of said state live stock sanitary board as it may deem expedient.

§ 3. PUBLICATION OF REGULATIONS.] Said state live stock sanitary board shall make the necessary regulations to carry into effect the purpose of this act, and any regulations so made shall be published in some newspaper or in as many newspapers as said board may deem necessary, or they shall be posted in not less than five public places, and such publication shall be deemed a legal notice to all persons.

§ 4. MEETINGS. COMPENSATION.] The said state live stock sanitary board shall hold its meetings at the state capitol at such times as it may designate, but there shall not be to exceed four regular meetings each year; provided, that the president of the board shall have power to call special meetings whenever in his judgment it becomes necessary. The members of the board shall receive as compensation for their services the sum of three dollars per day for each day employed, and five cents per mile actually and necessarily traveled in attending the meetings of the board, which sum shall be paid out of the state treasury upon vouchers of the board duly certified by the president and secretary thereof.

§ 5. OATH OF OFFICE. QUALIFICATIONS.] At the first meeting of the said state live stock sanitary board the members thereof shall take and subscribe the oath of office required of other civil officers and shall then proceed to elect a president, secretary and executive officer. The executive officer shall be a competent and skilled veterinarian who at the time of said election shall be a graduate in good standing of a recognized school of veterinary medicine and surgery, and who shall not be a member of this board.

§ 6. SALARY OF EXECUTIVE OFFICER. BOND. OATH.] The executive officer of said state live stock sanitary board shall receive for his services such a sum as may be deemed proper by said board. The payment of said salary shall be made from the funds appropriated for the use of this board and in order to carry into effect the purpose of this act. Before entering upon the discharge of these duties he shall give a bond to the state of North Dakota with good and sufficient surety in the sum of five thousand dollars, conditioned on the proper discharge of the same. He shall further-

more receive actual expenses incurred and paid by him in the discharge of his duties, and such amounts shall be paid out of the fund appropriated for said board. Said executive officer shall, upon entering upon his duties, take an oath well and truly to perform all duties required of him under the provisions of this act, which said oath shall be taken before any judge of a district court or notary public within the state and shall be filed with the secretary of state.

§ 7. DUTIES OF EXECUTIVE OFFICER.] The executive officer of said state live stock sanitary board shall act as state veterinarian and it shall be his duty:

1. To ascertain by personal examination or through reports from other accredited representatives of said board all information which he can obtain regarding the existence of contagious, infectious and epidemic diseases of animals.

2. To execute all orders, rules and regulations made by said live stock sanitary board and to present at the quarterly meetings of said board a detailed report of all matters connected with the work done by him or his subordinates during the quarter preceding said meeting.

§ 8. BACTERIOLOGIST AND CONSULTING VETERINARIAN.] The professor of veterinary science of the state agricultural college shall act as bacteriologist and consulting veterinarian to the said state live stock sanitary board, and it shall be his duty to make bacteriologic or pathologic examination of all diseased animals or portions thereof, or of such material as may be forwarded to him by the said board or its duly authorized agents. It shall also be his duty to furnish material as far as lies in his power for the diagnosis of contagious diseases and instruction as to its use. For the services rendered said bacteriologist shall receive such compensation as the state live stock sanitary board may deem proper, which shall be paid out of the fund appropriated for the use of said board.

§ 9. POWERS OF BOARD.] Authority is hereby given to said state live stock sanitary board to take all steps it may deem necessary to control, suppress and eradicate any and all contagious and infectious diseases among any of the domestic animals of the state, and to that end said board is hereby empowered to quarantine any domestic animal which is infected with any such disease or which has been exposed to infection therefrom, and to kill any animal so infected; to regulate or prohibit the arrival in or departure from the state, or any portion of the state, of any such exposed or infected animal, and at the cost of the owner thereof to detain any domestic animal found in violation of any such regulation or prohibition.

§ 10. KILLING OF DISEASED STOCK, METHOD OF. SELECTION OF EXPERTS.] Whenever a domestic animal has been adjudged to be affected with a contagious or infectious disease and has been ordered killed by said state live stock sanitary board or by an

accredited agent thereof, the owner or keeper of said animal shall be notified thereof, and within twenty-four hours thereafter its owner or keeper may file a protest against the killing thereof with said board or its accredited agent who has ordered such animal killed. Such notice shall state under oath that to the best of the knowledge and belief of the person making such protest, such animal is not infected with any contagious or infectious disease; whereupon an examination of the animal involved shall be made by three experts, one of said experts to be appointed by said state live stock sanitary board, one to be appointed by the person making such protest and the two thus appointed to choose a third, but all experts shall be persons learned in veterinary medicine and surgery and graduates of a regularly organized and recognized veterinary college.

§ 11. EXPENSE OF EXPERTS, HOW PAID.] In case all three experts or any two of them declare that such animal is free from any contagious or infectious disease, then the expense of the consultation shall be paid by the state live stock sanitary board out of the funds appropriated for the carrying into effect of this act, and in case the three experts or any two of them declare the animal to be affected with a contagious or infectious disease then the expenses incurred in the consultation shall be paid by the person making the protest, and said expenses may be collected the same as in case of appeal in civil action.

§ 12. DISPOSAL OF CARCASS OF DISEASED ANIMAL.] It shall be the duty of the owner or keeper of any animal killed by the order of the live stock sanitary board to dispose of the carcass of said animal in the manner prescribed by the board, and whenever the owner or keeper of an animal killed as aforesaid be unknown, the carcass shall be disposed of in the aforesaid manner at the expense of the county in which the carcass is located.

§ 13. BOARD MAY EMPLOY AGENTS AND ASSISTANTS.] The state live stock sanitary board is further authorized to employ such officers, agents or assistants as it may deem necessary to carry out the purposes of this act, at a compensation to be fixed by the said board and which shall be paid from the funds appropriated for the purpose of carrying into effect the purpose of this act. Said live stock sanitary board is further empowered to grant the same authority as agents of said board to the inspectors of the United States department of agriculture, but when said inspectors are engaged in work by direction or request of the board they shall not receive compensation from the state or be required to give bond.

§ 14. BOARD HAS POWERS OF JUSTICES OF THE PEACE.] The state live stock sanitary board or any member or duly authorized agent thereof, may examine or cause to be examined under oath all persons believed to possess knowledge of material facts concerning the existence or dissemination, or danger of dissemination

of disease among domestic animals, and for this purpose shall have all the powers vested in justices of the peace to take depositions and to compel witnesses to attend and testify, and to administer oaths. Witnesses shall receive the same fees for attendance and travel as witnesses before the district courts, and said fees shall be paid out of the general fund of the state.

§ 15. POWER OVER AND OF PEACE OFFICERS.] The state live stock sanitary board shall have power to call any sheriff, deputy sheriff or constable to execute its orders, and officers shall obey the orders of said board, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor in like manner. Any officer may arrest and take before any justice of the peace of the county any person found violating any of the provisions of this act, and such officer shall immediately notify the state's attorney of such arrest and he shall prosecute the person so offending according to law.

§ 16. ANNUAL REPORT.] The said live stock sanitary board shall make annual report to the governor of North Dakota of all its proceedings and transactions from the preceding year, on the first day of December, and said report shall be published by the state of North Dakota.

§ 17. DUTY OF OWNERS OF STOCK TO REPORT TO BOARD.] It shall be the duty of any person who discovers, suspects or has reason to believe that any domestic animal belonging to him or any in his charge or that may come under his observation belonging to other parties is affected with any contagious or infectious disease, to immediately report such fact, belief or suspicion to the state live stock sanitary board, or to a member or representative thereof.

§ 18. EMERGENCY FUND IN CASE OF EPIDEMIC.] In case of any serious outbreak of any contagious, infectious or epidemic diseases among domestic animals which can not be controlled with the funds at the disposal of said state live stock sanitary board, said board shall at once notify the governor, who thereupon shall call a meeting of the emergency commission, who may authorize money to be drawn from the state treasury to meet the emergency.

§ 19. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven thousand five hundred dollars per annum or so much thereof as may be necessary for the purpose of paying the expenses incurred by the state live stock sanitary board in carrying out the purposes of this act.

§ 20. PENALTY FOR VIOLATION OF LAW.] Any person violating any of the provisions of this act or any rule or regulation made by the state live stock sanitary board shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment not less than thirty days or more than ninety days.

§ 21. REPEAL.] All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

§ 22. EMERGENCY.] Whereas, the terms of office of the present state veterinarians expire considerable time in advance of the constitutional date when acts take effect; and whereas, the said state live stock sanitary board will require considerable time to formulate its labors, therefore an emergency exists and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 15, 1907.

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## CHAPTER 170.

[H. B. No. 225—House Committee on Live Stock]

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### GLANDERS.

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. APPRAISAL OF ANIMALS.] Whenever the state veterinarian shall deem the slaughter of a horse, gelding, mare, ass or mule necessary under section 2000 of the political code of 1905, he shall notify in writing a justice of the peace of the county in which the said diseased animals are, describing in said notice the diseased animals with a reasonable degree of certainty, stating the name of the owner when known. The said justice of the peace shall after entering the same upon his docket summon three disinterested citizens as witnesses are summoned in justice court, who shall not be residents of the immediate neighborhood in which the animals are owned and kept. The said appraisers shall before entering upon the discharge of their duties be sworn to make a true and faithful appraisal of the value of said animals without prejudice or favor. Said appraisers shall certify in their return that they have made said appraisal and have seen said animal or animals destroyed. In making the appraisal the value put upon the animal or animals shall be what they would have been 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 hereinafter provided

§ 2. COMPENSATION FOR ANIMALS KILLED.] Claims against the state arising from the slaughter of animals as herein provided shall be made by filing with the state auditor a copy of the state veterinarian's notice to the justice of the peace and return with affidavits from the owner that the animal has been buried in

accordance with section 2001 of the political code of 1905, which notice and return shall be certified to by the justice of the peace on whose docket they are recorded. The state auditor shall examine the same and if found correct he shall issue a warrant on the state treasurer for one-half of the sum named in the appraisers' return.

§ 3. PROCEEDINGS, HOW CONDUCTED. FEES.] The justice of the peace before whom any such proceeding shall be conducted shall enter upon his docket a record of all such proceedings and shall allow and tax all costs of justice officers, appraisers and witnesses the same as in other cases. The said appraisers shall be entitled at the rate of two dollars per day or parts thereof, 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 county fund, the same as costs in criminal actions before justices of the peace.

§ 4. PAYMENT, WHEN NOT MADE.] The right to indemnify shall not exist and payment shall not be made in the following cases: First, for animals belonging to the United States or any city, county, township or village in the state; second, when the owner or claimant at the time of coming into possession of the animal knew it to be diseased; third, for animals found to have been diseased at the time of their arrival in this state; fourth, animals that are brought into the state to do contract work; fifth, when the owner or claimant is a non-resident; sixth, when the animal at the time of its destruction has been in the state less than six months; seventh, when the owner shall have been guilty of negligence by willfully exposing his animals to the influence of infectious or contagious surroundings.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is no law covering the provisions of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

## CHAPTER 171.

[H. B. No. 179—Ueland]

## LIVE STOCK ASSOCIATION.

AN ACT Appropriating Money for the Benefit of the North Dakota Live Stock Association and Prescribing Its Duties.

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

§ 1. APPROPRIATION. DUTY OF COMMISSIONER OF AGRICULTURE.] The sum of five hundred dollars is hereby appropriated annually out of any money in the state treasury not otherwise appropriated for the use and benefit of the North Dakota live stock association. Said association shall publish an annual report of its proceedings together with such information as may be of general interest to its members, keep and publish a directory of all reliable breeders of pure bred live stock who are members of said association and promote the interests of owners and breeders of live stock in general. The appropriation herein mentioned shall be expended under the direction of the commissioner of agriculture, who shall publish and distribute information furnished by the live stock association to an extent not exceeding this appropriation.

Approved March 5, 1907.

## MARRIAGES

## CHAPTER 172.

[H. B. No. 60—Tuftel]

## WHO MAY SOLEMNIZE MARRIAGES.

AN ACT to Amend Section 4036 of the Revised Codes of North Dakota for 1905, Relating to Who May Solemnize Marriages and to Marriage License.

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

§ 1. AMENDMENT.] Section 4036 of the revised codes of the state of North Dakota for 1905 is hereby amended as follows:

§ 4036. WHO MAY SOLEMNIZE MARRIAGES. LICENSE.] Marriages may be solemnized by all judges of courts of record within their respective jurisdictions; by justices of the peace, within their