

# GARNISHMENT

## CHAPTER 163.

[H. B. No. 140—Leonard.]

### AFFIDAVIT DENYING LIABILITY IN GARNISHMENT PROCEEDINGS.

AN ACT to Amend and Re-enact Section 7574 of the Compiled Laws of North Dakota for the Year 1913, Relating to Affidavit Denying Liability in Garnishment Proceedings.

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

§ 1. AMENDMENT.] That Section 7574 of the Compiled Laws of 1913 be amended to read as follows:

§ 7574. AFFIDAVIT DENYING LIABILITY.] Within thirty days from the service of such garnishee summons the garnishee may, if the truth warrants, serve upon the plaintiff and may file, and upon order of the court shall file, in the office of the Clerk of the District Court, the same as other pleadings in a civil action, his affidavit in the following form, substantially:

STATE OF NORTH DAKOTA, {  
County of..... } ss:

.....Court.  
A. B., plaintiff,  
vs.  
C. D., defendant, and  
E. F., garnishee.

E. F., being duly sworn, says that on the.....day of  
....., A. D. 19...., he was served with a  
garnishee summons in the above entitled action; that he was then  
and is now in no manner and upon no account whatever indebted  
or under liability to the defendant (naming him), and that he then  
had and now has in his possession or under his control, no real estate  
and no personal property, effects or credits of any description what-  
ever, belonging to said defendant or in which he has any interest;  
and is in no manner liable as garnishee in this action.

.....  
Subscribed and sworn to before me this.....day of  
....., A. D. 19...

Thereby the proceeding against such garnishee shall be deemed discontinued, and the plaintiff shall pay the garnishee one dollar for his costs, unless within thirty days thereafter the plaintiff serves notice on such garnishee, that he elects to take issue on his answer

to the garnishee summons and will maintain him to be liable as garnishee, in which case the issue shall stand for trial as a civil action, in which the affidavit on the part of the plaintiff shall be deemed the complaint, and the garnishee's affidavit the answer thereto.

Approved, February 10, 1915.

## GLANDERS AND DOURINE

### CHAPTER 164.

[H. B. No. 463—Turner and Westdal.]

#### GLANDERS AND DOURINE HORSE FUND.

AN ACT to Designate the Glandered Horse Fund as the Glanders and Dourine Horse Fund, and to Provide for the Appraisalment of Animals and Indemnification to Owners for Animals Destroyed for Dourine, and the Payment Therefor.

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

§ 1. DESIGNATING GLANDERS AND DOURINE HORSE FUND.] The fund indicated in Section 2736, Compiled Laws of State of North Dakota for the year 1913, as the Glandered Horse Fund shall here-  
by be designated as the Glanders and Dourine Horse Fund.

§ 2. DIVERTING FUND.] All moneys now in or hereafter deposited in the Glandered Horse Fund shall be placed in the Glanders and Dourine Horse Fund and shall be preserved inviolate for the payment of claims for indemnity allowed for animals destroyed for either glanders or dourine.

§ 3. APPRAISEMENT. HOW MADE.] Whenever the State Live Stock Sanitary Board, or its authorized agent shall deem the slaughter of a stallion, gelding, mare or jackass necessary for being infected with dourine, the value of such animals shall be determined by the actual market selling-price and the appraisalment made accordingly by an agent of the State Live Stock Sanitary Board. *Provided*, that the maximum appraisalment for any grade stallion, gelding, mare or jackass shall be one hundred .(\$100.00) dollars, and the maximum appraisalment for any purebred registered stallion, mare or jackass shall be one hundred fifty (\$150.00) dollars. *Provided*, that the indemnity paid by the state shall be a sum equal to the indemnity paid in each case by the Federal Government.

§ 4. INDEMNIFICATION FOR ANIMALS DESTROYED FOR DOURINE.] The owner of any animal, appraised, condemned and destroyed for