

## Chapter 607

### 1955 REPLACEMENT PART

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**CREATION OF LIVESTOCK DISTRICTS**

**607.005 Definitions.** As used in ORS 607.005 to 607.050 the term:

(1) "Legal voter" means any person possessing the qualifications of an elector as provided by section (2), Article II, Oregon Constitution, and who resides within the boundaries of the proposed livestock district, or any person who possesses such qualifications except that of residence within the proposed district but who owns 20 acres or more of land within the boundaries described in the petition as shown by the tax rolls of the county.

(2) "Livestock" means cattle of the bovine species, horses, mules, asses, sheep, goats and swine.

(3) "Livestock district" means an area wherein livestock are prohibited from running at large, and in no event containing less than 1,000 acres.

(4) "Tax rolls" means the current tax rolls in the hands of the tax collector.

**607.010 Petition for creation of district.** Any legal voter who desires to create a livestock district for the purpose of prohibiting livestock from running at large therein may petition the county court or board of county commissioners to hold an election for such purpose. Such petition shall be filed with the county clerk of the county wherein the district is sought to be created, shall set forth the name by which the proposed district is to be designated, and shall describe the boundaries thereof. The number of signatures of legal voters required to file such petition shall be as follows:

(1) Where the described boundaries include the entire county, the petition shall contain the signatures of not less than 100 legal voters, all of whom shall reside within the county.

(2) Where the boundaries described in the petition include one or more, or a portion of one or more, election precincts containing less territory than the whole of such county, the petition shall contain the signatures of six or more legal voters from each precinct, or portion of precinct, included within such boundaries.

**607.015 Notice of election to create livestock district.** The county clerk shall give 45 days' notice that an election to create a livestock district will be held. Such notice shall be posted in three or more conspicuous places within the proposed district, and shall

contain a description of the boundaries of the district, together with the proposed name for such district. Such notice shall clearly state the time and place of the election, and that the purpose of the election is to prohibit livestock from running at large within the boundaries described.

**607.020 Changing boundaries and dissolution of districts.** The boundaries of any livestock district, whether created under ORS 607.005 to 607.050, or continued in force by virtue of ORS 607.050, may be changed, or any area containing 1,000 acres or more may be withdrawn therefrom, or dissolution may be effected, by following the procedure for such purpose in the same manner as for the creation of a livestock district as provided in ORS 607.005 to 607.050. The notice required by such section shall clearly state that the purpose of the election is to allow livestock to run at large within the boundaries described. However, no area wherein the legal voters have voted against the creation of a livestock district subsequent to January 1, 1947, shall be included in or consolidated with any district created under such sections without the consent of the majority of legal voters within the area given by a vote at an election held for that purpose.

**607.025 Bond by petitioners.** When the election requested is to be held on a day other than one on which a regular primary or general election is scheduled to be held, one or more of the petitioners shall file with the county clerk a good and sufficient bond. It shall also be executed by at least two sureties, who have the same qualifications as in bail on arrest, in an amount to be fixed by the county court or board of county commissioners, which shall be a sum deemed by it sufficient to defray the probable expenses of such special election. The bond shall be subject to approval by such court or board. No approval of such bond shall be made until five days after it has been filed. During such period, the county clerk, or any member of such court or board or any legal voter may file with the county clerk an exception to the sufficiency of any of the sureties thereon. If objection is filed, the sureties shall justify in the manner provided for justification in bail on arrest. If such bond is not filed and approved, the county clerk shall neither take any action nor incur any expense whatsoever in connection with the special election. The bond shall be condi-

tioned that within 10 days after ascertainment by the county clerk and the certification by him to the court or board of the total expenses of the election, and the serving of notice thereof upon the principal and the sureties, they shall pay to the county on behalf of petitioners the amount so ascertained and certified, but not to exceed the principal sum of the bond. If no principal or surety, within such period, makes such payment to the county, the court or board shall declare such bond forfeited, and the district attorney of such county shall proceed against the principal and the sureties, or any of them, upon the undertaking.

**607.030 Preparation and distribution of ballots.** (1) Where petitions have been filed pursuant to ORS 607.010, the county clerk shall cause separate ballots to be prepared on which shall be printed or written a description of the proposed livestock district, and the question for and against the formation of such district shall be stated thereon, as follows:

Shall the territory within the following described boundaries be created a livestock district, to be known and designated as ——— livestock district, ——— County, Oregon, for the purpose of prohibiting livestock from running at large therein: (description of boundaries of proposed livestock district)?

Yes, ——— I vote in favor of the creation of a livestock district for the purpose of prohibiting livestock from running at large.

No, ——— I vote against the creation of a livestock district in order to allow livestock to run at large.

(2) Such ballots shall contain instructions for the voter to indicate his choice thereon by marking an "X" in the space which meets with his approval. When the vote is on a question of withdrawal from or dissolution of the district, or any change in the boundaries thereof, such question shall be framed by the county clerk so as to clearly present the question to the voters. Ballots shall be distributed in the same manner in which ballots are distributed at any general election. Only the legal voters in the proposed district described in the petition shall be entitled to receive ballots or to vote on any of the questions pertaining thereto. However, if the prescribed boundaries of the

proposed district include the entire county, only those legal voters who are residents of the county shall receive and cast ballots.

**607.035 Place of voting and canvassing of votes.** (1) The county court or board of county commissioners shall designate the voting places which shall correspond as nearly as practicable to the usual place of voting within the precinct. However, when the election day corresponds to the day on which a regular primary or general election is scheduled to be held, the voting places within such proposed livestock district shall be identical with those used for such primary or general election.

(2) All votes cast at any election held under ORS 607.005 to 607.050 shall be canvassed in the same manner as the votes cast for any county officer.

**607.040 Notice of creation of a livestock district.** If a majority of all the votes cast is in favor of the creation of the livestock district for the purpose of prohibiting livestock from running at large therein, the county clerk shall give notice thereof by publication, in some newspaper of general circulation in the county, once a week for three consecutive weeks, that on and after the sixtieth day from the date of the first publication of the notice it shall be unlawful for livestock to run at large within the boundaries of such livestock district. The notice shall state the name by which the district is to be known, the boundaries thereof and shall also set forth the penalties for violation of ORS 607.045.

**607.045 Livestock at large in livestock districts.** (1) No person owning or having the custody, possession or control of any livestock shall herd or permit such livestock to run or be at large in any territory where it is unlawful for such livestock to be herded or to run at large.

(2) Justice, district and circuit courts have concurrent jurisdiction of actions for the prosecution of violations of this section.

**607.050 Districts created prior to July 16, 1949.** Any district created prior to July 16, 1949 and pursuant to the laws of this state, for the purpose of prohibiting livestock from running at large therein, is continued in force as such to the same extent as if created under ORS 607.005 to 607.050 and shall be subject to all the provisions of such sections. The boundaries of any such district may be changed, withdrawals therefrom may

be made or dissolution thereof may be effected, in the manner provided by such sections.

**607.055 to 607.100** [Reserved for expansion]

**MALE STOCK RUNNING AT LARGE  
IN STATE**

**607.105 Running at large of studhorses and jackasses; gelding and lien for gelding.**

(1) No owner of any studcolt, studhorse or jackass of the age of 18 months and upwards shall permit it to run at large out of the inclosed grounds of the owner during the months of April, May, June, July, September and October of any year.

(2) The county courts may, upon petition, appoint in any or every precinct of any county some suitable person who shall geld any such studcolt, studhorse or jackass found running at large upon the range and out of the inclosed grounds of the owner during such months, except April. Each person so appointed by the county court shall receive for his services \$4 for each studcolt, studhorse or jackass gelded as provided by this section. If an animal, gelded under this section, dies, the owner has no recourse against the person gelding it. The owner of the animal gelded under this section shall pay the price of such gelding. Such gelding charges shall be a lien upon any studcolt, studhorse or jackass gelded, and the person so gelding may retain possession of such animal until such sum is paid.

**607.110 Gelding an animal kept for covering.** No person shall geld any animal knowing that it is kept or intended to be kept for covering mares. Any person so offending shall be liable to the owner for all damages, to be recovered in any court having proper jurisdiction thereof. However, if any owner or keeper of the covering animal wilfully and negligently suffers it to run at large out of the inclosed grounds of the owner or keeper, any person may take the animal and convey it to its owner or keeper, for which he shall receive \$2, recoverable before any justice of the peace of the county. For a second offense he shall receive double the sum. For a third offense, the animal may be taken up and gelded, as provided in ORS 607.105.

**607.115 Owner's liability for damages done by studhorses, mules and jackasses.** If a studhorse, mule, jackass or a horse com-

monly called a ridgling, while running at large out of the inclosed grounds of the owner or keeper, damages any other animal by biting or kicking him, or does any damage to person or property, of any kind whatever, the owner of the studhorse, mule, jackass or ridgling is liable for all damages done by him.

**607.120 Taking up of rams running at large during certain months; recovery by owner.** If any ram is found running at large out of the inclosure of its owner between July 1 and November 1, any householder may take up such ram. If the owner thereof is known to the person taking up such ram he shall give notice immediately to the owner of the taking up of such ram by him. If, thereupon, the owner requires a restoration of such ram, he shall pay to the person taking up the ram the sum of \$5. If he refuses to do so, the ram shall be forfeited to the person taking it up.

**607.125 Taking up of rams when the owner is not known; recovery by owner.** (1) If the owner of any ram taken up as provided by ORS 607.120, is not known to the person taking it up, the person taking it up shall immediately give notice by advertisement, posted in three of the most public places in the election precinct in which he resides, of the taking up of such ram, describing its natural and artificial marks and stating the time of taking up. If the owner appears and reclaims the ram within 10 days from the taking up, he shall pay the person taking up the ram, upon the restoration of it, the sum of \$6 for the taking up and advertising. If the owner appears to reclaim the ram after 10 days, and before November 1, he shall pay, in addition to the sum of \$6, 25 cents per week for the keeping of such ram. If the owner does not reclaim it before November 1, it shall be forfeited to the person taking it up.

(2) This section and ORS 607.120 only apply to cases in which rams have strayed, or to those cases in which their whereabouts is not known to the owner.

**607.130 Wilfully turning rams at large.** No owner of a ram shall wilfully turn it out of his inclosure, or knowingly allow it to range at large where it may come in contact with herds of sheep not his own, between July 1 and November 1. Persons violating this section shall forfeit such ram to any person taking it up. All fines collected for

violation of this section shall be paid into the treasury of the proper county, for the use of its common schools.

**607.135 Knowingly allowing bulls and boars to range at large.** No person owning a bull or boar, shall knowingly allow it to range at large out of his inclosures. All fines collected for violation of this section shall be paid into the treasury of the proper county for the use of its common schools.

**607.140 Restrictions on the running of bulls and female breeding cows on the open range.** (1) No person shall turn upon, or allow to run upon the open range, any bull other than a purebred bull of a recognized beef breed.

(2) Before any person turns upon the open range any female breeding cattle, he shall procure and turn with such female breeding cattle one purebred bull of recognized beef breed for every 25 females or fraction thereof of ten or over.

(3) Justice of the peace courts and district courts have concurrent jurisdiction with the circuit courts under this section.

**607.145 to 607.200** [Reserved for expansion]

### **MALE STOCK RUNNING AT LARGE IN CERTAIN COUNTIES**

**607.205 Bulls running at large in certain counties; taking up and castrating.** (1) No person living in the Counties of Linn, Josephine, Clackamas, Benton, Polk, Washington, Multnomah, Columbia, Clatsop, Coos or Douglas, who owns any bull of the age of one year or more, shall permit it to run at large on the commons at any season of the year.

(2) Any person residing in any of such counties may take up and castrate, or cause to be castrated, at the risk and expense of the owner, any bull found running at large on the commons of the age of one year or more, under the restrictions provided by ORS 607.205 to 607.230.

**607.210 Castration of bulls kept for breeding purposes prohibited; civil liability of owner.** (1) No person shall castrate any bull knowing that it is kept or intended to be kept for breeding purposes by any owner.

(2) If any owner or keeper of any bull of the age of one year or more wilfully, knowingly or negligently suffers or permits any bull to run at large out of the inclosed

grounds of the owner or keeper, they, or either of them, shall be liable for any damage or injury sustained by anyone by reason of such neglect.

(3) Any justice of the peace has competent jurisdiction in such cases.

**607.215 Taking up animals known to be kept for breeding purposes.** Any person who finds any bull running at large may take it up, if at the time it is known to him to be kept or intended to be kept for breeding purposes by the owner thereof, and safely keep or cause to be kept such animal in an inclosure, at the expense of the owner.

**607.220 Notice to owner and compensation for taking up animals.** (1) Any person taking up any animal under ORS 607.215 shall immediately notify the owner of such animal that he has taken it up. If at the time of taking up any animal under the provisions of such section, the owner of it is unknown, the person taking it up shall advertise it in some newspaper of general circulation in the county in which he resides, or by posting written notice in at least three public places in the county, and giving not less than three weeks' notice. The notice shall contain, as nearly as possible, a true and accurate description of the animal, giving both natural and artificial marks.

(2) The person taking up any animal under ORS 607.215 shall be allowed a reasonable compensation for such taking up, posting and caring for it. If the owner neglects or refuses to pay such costs, the person taking up and posting such animal shall have a lien on it for the service rendered.

**607.225 Sale and notice of sale.** (1) If three weeks after publishing or posting of the notices as required by ORS 607.220 the owner fails or neglects to claim such animal and pay the charges, the person taking it up may cause it to be sold at public auction by the constable of the precinct in which he lives, or by the sheriff of the county in which he resides, after having given at least 10 days' notice of the time and place where the animal will be offered for sale.

(2) The persons taking up any animal under ORS 607.205 to 607.215 is entitled to bid at the sale of such animal.

**607.230 Distribution of sale proceeds.** (1) The officer selling any animal under ORS 607.225 shall make returns to the county clerk of the county in which the

sale was made, giving the description of the animal sold, the amount for which it sold, and for and to whom sold. After the payment of the costs of making the sale and expense of keeping and care of such animal from the proceeds of such sale, if any surplus remain he shall immediately turn it over to the county treasurer of his county.

(2) The county treasurer shall receipt the officer making such deposit and safely keep the funds. Upon the proper owner of any animal that has been sold under ORS 607.225 making affidavit to the county treasurer of the county where such deposit is made that he was the owner of such animal at the time the sale was made, the treasurer shall turn over to him the proceeds of the sale remaining in his hands. However, the affidavit must be made within 12 months from the date of such sale.

(3) If after 12 months from the date of any sale under ORS 607.225, any money accumulated in the hands of the county treasurer by such sale and unclaimed as provided in subsection (2) of this section, shall be forfeited to the common school funds of the county. The county treasurer shall transfer such sum to the school funds of his county, and it shall be distributed the same as provided for the distribution of the Common School Fund.

**607.235 Taking up and disposing of bulls in certain counties; owner's liability.**

(1) Any bull found at large upon the commons of Douglas, Jackson, Josephine, Lane, Polk, Coos or Yamhill County, of the age of one year or over, other than a purebred, registered bull of recognized beef type, is an estray. Any person having breeding cattle upon the commons of any such counties may take up such bull and dispose of him according to the law.

(2) Any person who, within such counties, wilfully or knowingly turns upon or allows to run upon the commons, any bull other than a purebred registered bull of recognized beef type, of the age of one year or over, is liable in double damages for all injuries or damage done by such bull, through service to breeding cattle upon such commons.

(3) The measure of damage shall be the difference in the value of the increase of such breeding cattle bred to such bull, and the value of the increase of such breeding

cattle bred to a purebred, registered bull of recognized beef type.

**607.240 Restrictions on running of bulls and female breeding cows on the open range.**

(1) No person shall turn upon, or allow to run upon the open range in the Counties of Harney and Malheur, any bull other than a registered, purebred bull not less than one nor more than seven years of age, of a recognized beef breed.

(2) Before any person turns upon, or allows to run upon the open range in the Counties of Harney and Malheur, any female breeding cattle, such person shall procure and turn with such female breeding cattle one registered purebred bull of recognized beef breed for every 25 females, or fraction thereof of 10 or over. Such bulls shall not be less than one and not more than seven years old.

(3) Justice of the peace courts have concurrent jurisdiction with the circuit courts of the Counties of Harney and Malheur, under this section.

**607.245 Bulls, stallions, bucks and boars prohibited from running at large in certain counties.**

No person in the Counties of Clatsop, Clackamas, Columbia, Benton, Linn, Multnomah, Marion, Polk, Tillamook, Washington, Yamhill or Lane, owning or in the lawful possession of any bull of the age of more than nine months, any stallion of the age of more than 18 months, or buck or boar over five months of age, shall permit such animal to go, range or run at large on any lands or premises not owned or in the lawful possession of the owner or person entitled to the lawful possession of such animal.

**607.250 Taking up of bulls and boars running at large in certain counties; recovery by owner.**

If any bull over the age of six months, or boar over the age of three months, is found running at large in the Counties of Coos, Multnomah and Washington, any householder may take up such bull or boar. If the owner is known to him, he shall give notice immediately to the owner of the taking up. If thereupon, the owner requires a restoration of such bull or boar, he shall pay to the person taking up the animal the sum of \$3, and immediately remove it from the premises of such person. If the owner refuses to do so, such bull or boar shall be forfeited to the person taking it up.

**607.255 Disposition of bulls and boars running at large when owner not known.** If the owner of any bull or boar taken up as provided by ORS 607.250, is not known to the person taking it up, the person taking it up shall immediately give notice by advertisement, posted in three public places in the election precinct in which he resides, of the taking up of such bull or boar, describing it, giving the natural and artificial marks, and stating the time of taking up. If the owner appears and reclaims such animal within 10 days from the taking up, he shall pay the person taking up the animal, upon the restoration of such animal, the sum of \$5 for the taking up and advertising. If the owner appears to reclaim the animal after 10 days, he shall pay \$1 a week for the keeping of such bull or boar. If it is not reclaimed within 30 days, it shall be forfeited to the person taking it up.

**607.260 Turning out of ram, not purebred, in Douglas County.** (1) No person owning or having the control of any ram, other than a purebred registered ram of recognized breed, of the age of six months or over, shall wilfully turn it out of his inclosure, or knowingly allow any such ram to range at large upon the commons of Douglas County, or where such ram may come in contact with herds of sheep not his own, within such county.

(2) Any person violating this section is liable in damages for double all loss or injuries caused by such ram, through service to breeding sheep upon such commons.

(3) The measure of damage in such cases shall be the difference in the value of the increase of such breeding sheep bred to such ram, and the value of the increase of such breeding sheep bred to a purebred registered ram of recognized breed.

**607.265 to 607.300** [Reserved for expansion]

#### **TAKING UP AND SELLING ESTRAYS; INTERFERING WITH ANIMALS**

**607.301 Definitions.** As used in ORS 607.301 to 607.341:

(1) "Estray" means any bovine animal, horse or mule of any unknown owner unlawfully running at large or lawfully running at large trespassing within a legal enclosure.

(2) "Department" means the State De-

partment of Agriculture of the State of Oregon. [1953 c.367 §1]

**607.305** [Amended by 1953 c. 367 §13; renumbered 607.344]

**607.306 Taking up estrays by owner or lessee of property.** Estray may be taken up by the owner or lessee of any property. However, no estray, unless unlawfully running at large, shall be taken up in the months of April, May, June, July, August, September, October or November. [1953 c.367 §2]

**607.310** [Repealed by 1953 c.367 §13]

**607.311 Taking up estray prohibited without giving notice.** No person shall knowingly take up or retain possession, custody or control of an estray without giving the notice required by ORS 607.316. [1953 c.367 §9]

**607.315** [Repealed by 1953 c.367 §13]

**607.316 Notice to department of taking up estray.** A person taking up an estray shall notify the department of such fact in writing within five days of the taking. The notice shall be sent to the department at its Salem office. [1953 c.367 §3]

**607.320** [Repealed by 1953 c.367 §13]

**607.321 Investigation by department upon receipt of notice.** (1) The department, when it receives a notice of taking, shall undertake to determine the animal's true owner from the recorded brand, marks and other identifying characteristics and other relevant information tending to establish ownership.

(2) A record of such information, together with the findings of the department supporting its determination of ownership, shall be made and preserved for three years. [1953 c.367 §4]

**607.325** [Repealed by 1953 c.367 §13]

**607.326 Sale of estray if owner not found; notice of sale.** (1) If the department does not determine who is the true owner of the estray, it shall, not sooner than 30 days nor more than 45 days after receiving the notice of taking, cause the estray to be sold at public sale.

(2) The department shall cause a notice of taking up to be published in a newspaper of general circulation through the area in which the estray was taken up, once a week for two successive weeks or two publications



in all prior to the sale. The notice shall state, among other things, that the estray will be sold at a stated time and place if not claimed by the true owner prior to the date of sale. [1953 c.367 §5]

**607.330** [Repealed by 1953 c.367 §13]

**607.331 Claim by owner prior to sale; disposition of proceeds of sale.** (1) If the true owner of an estray appears and makes claim to the animals prior to sale, he must, as a condition of regaining custody of such estray, pay all of the costs mentioned in subsection (2) of this section which may have accrued. If the true owner fails to pay or tender payment of such costs in lawful money of the United States, the sale shall be carried out as in cases where the owner is unknown.

(2) All costs relating to the taking up and sale of an estray shall be paid from the proceeds of the sale, the costs to be paid in the following priority:

- (a) Costs of sale.
- (b) Costs of publication of notice.
- (c) Reasonable cost of feed and care prior to sale.
- (d) Cost of transportation of the estray to the point of sale.

(e) All costs incurred by the department, including but not limited to the time and mileage of its employees.

(3) In the case of any deficiency in the proceeds of the sale necessary to pay any of the above-mentioned costs, such costs shall be paid by the department, except as provided in subsection (1) of this section.

(4) Any balance remaining from the proceeds of sale shall be transmitted to the department which shall deposit them in the Department of Agriculture Account in the General Fund. Proceeds so deposited shall be held in such account for a period of three years subject to claim by the true owner. During such period, the proceeds shall not be subject to the application of the provisions of ORS 291.368 to 291.374. If the true owner fails to establish his right to the proceeds of sale within three years, the proceeds shall be paid to the State Treasurer for deposit in the Irreducible School Fund. [1953 c.367 §6]

**607.335** [Repealed by 1953 c.367 §13]

**607.336 Title of purchaser at sale.** The purchaser of an estray sold as provided herein shall have clear and absolute title to the animal upon receiving a bill of sale from the department. [1953 c.367 §8]

**607.339 Liability of department.** Except for gross negligence the department shall not be liable for the payment of the proceeds of sale or return of custody of an estray to a person claiming to be the true owner of such estray. [1953 c.367 §7]

**607.340** [Repealed by 1953 c.367 §13]

**607.341 Jurisdiction of courts.** Justice courts and district courts shall have concurrent jurisdiction with circuit courts of proceedings brought on violations of ORS 607.301 to 607.341. [1953 c.367 §11]

**607.344 "Freshly branded" defined for ORS 607.345 to 607.360.** As used in ORS 607.345 to 607.360, "freshly branded" means any animal on which there is a brand that has not been peeled off or entirely healed. [Formerly 607.305]

**607.345 Interfering with calves and colts on open range; selling freshly branded cattle or horses.** No person shall:

(1) Hold under herd, confine in any pasture, building, corral or other enclosure, or picket out, hobble or tie together, or in any manner interfere with the freedom of calves of neat cattle or colts of horses, on the open range, which are less than seven months old, unless such animals are accompanied by their mothers.

(2) Sell or offer to sell any freshly branded neat cattle or horses.

**607.350 Producing, on demand, the mothers of calves or colts.** The person, separating calves or colts from their mothers shall, upon demand of the sheriff, inspector or other officer, produce, within a reasonable time, the mother of each such animal, so that the interested parties may ascertain if the animal, so produced as the mother thereof, does or does not claim or suckle such calf or colt.

**607.355 Disposal of calves and colts wrongfully held.** All animals held in violation of ORS 607.345 or 607.350 shall be considered estrays. The nearest stock inspector, as soon as he has knowledge thereof, shall cause them to be disposed of as estrays under the estray laws in force in his county or district.

**607.360 Applicability of statutes regulating handling of calves and colts.** ORS 607.345 to 607.355 do not apply to:

(1) The calves of milch cows where such cows are actually used to furnish milk for

household purposes or for carrying on a dairy.

(2) Any freshly branded animal which has been branded previously with an older and duly recorded brand, and for which animal the claimant has a legally executed bill of sale from the owner of the older brand on such animal.

(3) Young animals under the age of 10 months which are accompanied by their mothers.

(4) Animals other than cattle or horses, or the offspring thereof, which during some period of the year run at large upon the public range.

**607.365 Driving domestic animals from range.** (1) No person, who is not the owner of such animal, shall take or drive, cause to be taken or driven, or assist in driving or taking away any horse, gelding, mare, foal, mule, ass, jenny, bull, cow, heifer, steer, calf, sheep, hog or any other domestic animal from the range or place where it is lawfully grazing, pasturing or ranging, or in the habit of ranging, or where it has been herded or placed by the owner thereof, for a distance of more than 10 miles from such place.

(2) Persons violating this section shall be liable to the owner of such animal for all damages sustained by reason of such driving or taking away of such domestic animal.

(3) All fines collected for violations of this section shall be paid over to the county treasurer of the county in which the offense was committed, and used for the support of common schools within such county. [Formerly 606.210]

**607.370 to 607.400** [Reserved for expansion]

# **ROUNDUP AND DISPOSAL OF HORSES RUNNING AT LARGE ON PUBLIC LANDS; ABANDONED, STARVING OR NEGLECTED HORSES**

**607.405 Roundup of horses running at large on public lands.** (1) When any horses are found running at large upon any public lands within this state without license or permit of any kind, such animals may be rounded up by any agency of the State of Oregon or of the United States having the management or control of such lands and impounded and disposed of as provided by ORS 607.405 to 607.435.

(2) For such purpose, an agency may enter into agreements with competent persons to roundup, impound and dispose of horses.

**607.410 Unbranded horses rounded up as nuisances; ownership and disposal.** All unbranded horses rounded up as authorized by ORS 607.405 to 607.435 shall be deemed abandoned or wild horses and, as such, a public nuisance. The ownership of such animals is vested in the State of Oregon. The agency causing such animals to be rounded up may dispose of the animals by sale or otherwise in the name of the State of Oregon upon such terms as the agency deems proper.

**607.415 Notice to owner of branded animal; recovery by owner on payment of roundup charge.** (1) If any horses, branded with a brand recorded with the State Department of Agriculture, are collected in the roundup, the agency shall notify the owner of the recorded brand by registered letter sent to the address of the owner as shown by the records of the State Department of Agriculture, or by actual notice, that the branded animal is in the possession of the agency or its agent.

(2) Prior to a roundup the agency causing the horses to be gathered shall establish a roundup charge not to exceed \$25, to be paid to the person authorized by the agency to carry on the roundup and payment of which, by the owner of the animal, shall entitle him to retake possession.

(3) If the animal is not claimed within two days of receiving notice, as provided by this section, and the roundup charge paid, the horse shall be deemed abandoned and the agency or its agent may dispose of the animal upon such terms as it deems proper.

**607.420 Disposal of horses bearing unrecorded brands.** If any horses bearing a brand not recorded with the State Department of Agriculture are collected in the roundup and the owner of such horses is not known to the brand inspector present at the roundup, the animals shall be deemed to have been abandoned and they shall be disposed of in the same manner provided for disposing of unbranded horses. If the owner of the animal is known to the brand inspector present at the roundup, the procedure specified in the case of animals bearing a recorded brand, as provided by ORS 607.415, shall be observed.

**607.425 Notice to the department of roundup; presence of brand inspector.** Before any roundup authorized by ORS 607.405 is held, the State Department of Agriculture shall be notified. The department shall cause a brand inspector employed under ORS 604.310 to 604.550 in the area in which the roundup is to be conducted, to be present and inspect all horses rounded up for brands.

**607.430 Notice to public of roundup.** Before any roundup of horses is held, the agency responsible for the roundup shall cause notices of such fact to be published in a newspaper of general circulation in the area in which the roundup is to be held. The notices shall be published not less than twice, at least 10 days prior to the time the roundup is to begin. The notices shall state:

- (1) The date the roundup is to begin.
- (2) The place where horses collected in the roundup are to be held.
- (3) That persons claiming ownership of any such horses may retake possession of horses collected from the public lands which have been running at large without license or permit of any kind, upon payment of the established roundup charge.

**607.435 Applicability of horse roundup statutes.** ORS 164.380, 164.720, 164.730, 166.150, 607.105 to 607.360, 607.365, 607.440 to 607.445, do not apply to horses gathered under ORS 607.405 to 607.435.

**607.440 Roundup of abandoned, starving or neglected horses; authorization by county court.** Whenever the county court of any county deems it necessary that the condition of abandoned, starving or neglected horses should be abated, an order may be made authorizing the roundup of all such horses.

**607.445 Notice of sale, sale and disposition of proceeds.** Immediately after each roundup, as provided by ORS 607.440, the sheriff shall make a list of all unclaimed horses, together with their description, and post notices of sale thereof in three of the most public places for not less than five nor more than 10 days. He shall sell them to the highest bidder for cash. The proceeds derived therefrom shall be paid into the general fund of the county.

**607.450 to 607.500** [Reserved for expansion]

## **REGULATION OF STOCK ON CERTAIN HIGHWAYS AND IN JACKSON, MULTNOMAH AND WASCO COUNTIES**

**607.505 Stock running at large and grazing on Klamath Falls-Malin Highway.**

(1) No person shall permit cattle, horses, mules, sheep, goats or hogs to run at large, be pastured, staked or tethered upon the state highway extending from the easterly boundary of the incorporated city of Klamath Falls to the westerly boundary of the incorporated city of Malin.

(2) As used in this section, "state highway" includes only those highways over which the State Highway Commission has control.

**607.510 Stock running at large and grazing on certain state highways.** No person shall allow cattle, horses, mules, sheep, goats, swine or other livestock of any kind, to run at large, be pastured, staked or tethered upon the following state highways:

(1) That part of the Oregon Coast Highway, State Highway No. 9, extending from the north boundary of Tillamook County to the south boundary of Lane County.

(2) That part of the Alsea Highway, State Highway No. 27, from its junction with the Corvallis-Newport Highway in Benton County to Waldport in Lincoln County.

(3) That part of the Corvallis-Newport Highway, State Highway No. 33, from Corvallis in Benton County to Newport in Lincoln County.

(4) That part of the Salmon River Highway, State Highway No. 39, from Valley Junction in Polk County to a connection with the Oregon Coast Highway at or near Otis in Lincoln County.

(5) That part of the Wilson River Highway, State Highway No. 37, from the east boundary of Tillamook County to the intersection of the Wilson River Highway with the Oregon Coast Highway, which is State Highway No. 9.

**607.515 Stock at large or grazing on highway from Canyonville to Umpqua National Forest.** No person shall permit any cattle, horses, mules, sheep, goats, hogs or other livestock, to run at large, be pastured, staked or tethered upon the state highway extending from the easterly boundary of the incorporated city of Canyonville easterly to the west boundary of the Umpqua National Forest.

**607.520 Stock running at large on highways in Washington County.** No person, either as owner or in possession or control of any horses, mules, cattle, swine, sheep or goats shall permit them to run at large on any highway or public road in Washington County.

**607.525 Horses running at large in Jackson County.** (1) No owner of a horse shall permit it to run at large in Jackson County.

(2) Any horse found running at large, contrary to this section, may be taken up, sold and disposed of in the manner provided in the laws relating to estrays.

**607.530 Animals running at large in Multnomah County.** No person owning or having custody, possession or control of any cattle, horses, sheep, goats, swine or mules, shall permit them to run or be at large within Multnomah County. [Amended by 1955 c.275 §1]

**607.535 Livestock running at large in Wasco County.** (1) No person owning or having custody, possession or control of any horses, cattle, asses, mules, swine, sheep or goats, shall permit them to run or be at large within the County of Wasco.

(2) ORS 607.535 to 607.575 do not:

(a) Apply to government land within the United States National Forests, nor to vacant public lands of the United States in such county.

(b) Affect the liability of any railroad or corporation to pay for stock killed upon any unfenced portion of their railroad.

**607.540 Right to take up, hold and sell animal running at large in prohibited area.** Any person who finds any animal of the classes described in ORS 607.535, running at large upon his premises, or on any premises of which he has possession or control, when such premises are inclosed, or upon the public highways or any open private way adjacent to such premises, may take up, hold, and sell it as provided by ORS 607.545 to 607.575. In the area north of White River in Wasco County such animals may be taken up, held and sold under ORS 607.545 to 607.575, if found running at large on orchard or garden land whether it is inclosed or not.

**607.545 Notice to owner of taking up livestock.** (1) Any person taking up any animal as provided by ORS 607.540, shall, without unnecessary delay, give notice of

such taking up. Such notice shall contain:

(a) A concise description of such animal, with the marks and brands so that the owner may identify it.

(b) A statement that such stock will be sold unless redeemed.

(c) The time and place of sale.

(2) Notice shall be given either by delivering a copy of it to the owner in person if a resident of the county and known to the person so taking up, or by causing a copy of such notice to be published in the newspaper of general circulation within the county, in not less than two issues thereof.

**607.550 Recovery of animal by owner; sale and appraisal of damages and cost of care.** (1) If the owner of any or all such animals, or the agent or representative of such owner, appears and proves ownership, or his respective rights to such stock, or any thereof, at any time within 15 days after personal service of notice, or the date of its first publication, or prior to the sale provided for by this section, and pays the costs of such taking up and the reasonable charges and expenses of keeping such stock, it shall be released and delivered to the owner, or his agent or representative, and no further record or action shall be necessary.

(2) If the owner or his representative does not appear, such animal shall be sold at public auction to the highest bidder for cash. The person taking up may bid at such sale. Such sale shall vest the title to the animal in the purchaser.

(3) The person taking up, shall submit the amounts of damages and charges for so keeping the stock, to three disinterested and competent persons who shall appraise such damages and determine the amount to be charged for the keeping of such stock. They shall allow such sum as they deem just and proper.

(4) Such appraisers shall receive not exceeding \$2 each, which shall be paid as costs of the proceedings from the proceeds of the sale.

**607.555 Report of sale.** (1) Within 10 days after the sale provided for by ORS 607.550, a full report of such proceedings shall be made in writing under oath, stating:

(a) The amount of damages, costs, and expenses allowed.

(b) The description of the animal.

(c) Date of sale.

(d) To whom sold and for what sum.

(e) The overplus, if any.

(2) After deducting such damages, costs and expenses, the balance, if any, shall be deposited in the county treasury and the treasurer's receipt shall be taken therefor, which, together with the report, shall be filed in the office of the county clerk and shall be a public record open to the inspection of all persons desiring to inspect it.

**607.560 Right of owner to reclaim surplus.** At any time within five years after filing the report provided for by ORS 607.555, the owner, his agent or representative, upon making satisfactory proof in writing of his right thereto, shall be entitled to a warrant on the county treasurer for such balance without interest. Such warrant may be issued by the county clerk without any action of the county court.

**607.565 Charges for taking up and notice.** The costs and charges for taking up and giving notice as provided by ORS 607.540 to 607.560, shall be \$5, if the number of animals is five or less, and if more than five then 25 cents for each additional sheep or swine, and 50 cents for each additional other stock in excess of five.

**607.570 Arbitration of damages and charges; refusal to arbitrate.** (1) If the owner, his agent or representative, and the person taking up the animal are unable to agree as to the amount of damages done, or the amount justly due for keeping it, they shall select three disinterested and competent persons as arbitrators. The arbitrators may swear witnesses, hear testimony, inspect the stock and premises and decide the matter. Their decision shall be final. The arbitrators shall be entitled to receive for their services not exceeding \$2 each, one-half of which shall be paid by each party.

(2) If the owner refuses to arbitrate, or pay, as provided by ORS 607.550, the sale shall be made as provided by ORS 607.550. If the person taking up the animal refuses to arbitrate the matter, then no sale of the animal shall be made nor shall he receive any compensation thereafter for keeping the stock until an arbitration is had or the parties reach a settlement. When this is done the payment or tender of the amount found due by the arbitrators or agreement, by such owner or his agent or representative, shall entitle the owner, his agent or representative, to possession of such stock.

**607.575 Report to appearing owner and payment.** If the owner of any animal, taken up and sold as provided by ORS 607.540 to 607.570, his agent or representative, appears at any time after the sale and prior to the filing of the report with the county clerk, and furnishes satisfactory proof of his right thereto, the person taking up the stock shall, if required, furnish him a true statement and report in writing of the proceedings, giving description of the animal, date of sale, date and manner of giving notice, the costs and expenses thereof, and the amount of damages, if any. The person taking up the animal shall pay over any balance remaining from the sale, taking the claimant or owner's receipt therefor, and in such case it shall be unnecessary to file any report with the county clerk.

**607.580 to 607.600** [Reserved for expansion]

## **REGULATION OF STOCK IN LINN AND JEFFERSON COUNTIES**

**607.605 Stock running at large in Linn County.** (1) No owner shall permit his cattle, horses, mules, sheep, goats or hogs to run at large in the following places in Linn County:

(a) In any area except the open range.  
(b) On any highway or public road, except unfenced county roads in the open range.

(2) As used in this section, "open range" means the territory described in ORS 607.610 and 607.615.

(3) Nothing in ORS 607.605 to 607.615 affects the right of the legal voters of any area in Linn County to create, alter or dissolve livestock districts in accordance with ORS 607.005 to 607.050.

(4) Where any livestock district, created to prohibit the running at large of livestock, was created prior to August 2, 1951, and where such district lies wholly or partly within the open range, such district is continued in force.

**607.610 Open range area in Linn County.** All territory in Linn County lying east of the following described line bisecting the county is open range: Beginning at a point on the north boundary line of Linn County at the intersection of the center line of the Santiam River and the center line of section 26, township 9 south, range 3 east of the Willamette Meridian; thence south through

the center of section 35, said township and range to the township line between townships 9 and 10 south; thence west two miles along the township line to the south quarter-corner of section 33, township 9 south, range 3 east; thence north one-half mile to the center of said section 33; thence west two miles to the center of section 31, said township and range; thence westerly eight miles, more or less, parallel to and one-half mile south of the center line of State Secondary Highway No. 211 to a point in section 26, township 9 south, range 1 east; thence southerly three and one-half miles, more or less, parallel to and one-half mile east of the center line of said highway to a point on the north line of section 17, township 10 south, range 1 east; thence west one and one-half miles, more or less, to the northwest corner of section 18, said township and range; thence south four miles along the Willamette Meridian to the township line between townships 10 and 11 south; thence east one-half mile to the south quarter-corner of section 31, township 10 south, range 1 east; thence south two miles to the south quarter-corner of section 7, township 11 south, range 1 east; thence east one-half mile to the southeast corner of said section 7; thence south one mile to the southwest corner of section 17, said township and range; thence east one-half mile to the south quarter-corner of said section 17; thence south two miles to the south quarter-corner of section 29, said township and range; thence west one and one-half miles to the northwest corner of section 31, said township and range; thence south two miles along the meridian line to the southwest corner of section 6, township 12 south, range 1 east; thence west one-half mile to the south quarter-corner of section 1, township 12 south, range 1 west; thence south one mile to the south quarter-corner of section 12, said township and range; thence east one-half mile to the southeast corner of said section 12; thence south four miles along the meridian line to the township line between townships 12 and 13 south; thence east one mile along the township line to the southeast corner of section 31, township 12 south, range 1 east; thence south one-half mile to the west quarter-corner of section 5, township 13 south, range 1 east; thence east one-half mile to the center of said section 5; thence south one-half mile to the south quarter-corner of said section 5; thence west one mile to the north quarter-corner of sec-

tion 7, said township and range; thence south one mile to the south quarter-corner of said section 7; thence east one and one-half miles to the southeast corner of section 8, said township and range; thence south two miles along the west lines of sections 16 and 21, said township and range, to the southwest corner of said section 21; thence east three and one-half miles, more or less, along the south lines of sections 21, 22, 23 and 24 to the center line of Market Road No. 35; thence northeasterly one mile, more or less, to the intersection of said center line with the west line of section 19, township 13 south, range 2 east; thence south two and one-half miles, more or less, along the range line between ranges 1 and 2 east to the intersection of said range line with the township line between townships 13 and 14 south; thence west three miles along said township line to the northwest corner of section 3, township 14 south, range 1 east; thence south one mile along the west line of said section 3 to the southwest corner thereof; thence west four miles along the north lines of sections 9, 8 and 7, said township and range, and the north line of section 12, township 14 south, range 1 west, to the northwest corner of said section 12; thence south two miles to the southwest corner of section 13, said township and range; thence east one mile to the southeast corner of said section 13; thence south three miles along the meridian line to the northeast corner of section 1, township 15 south, range 1 west; thence west seven miles along the township line between townships 14 and 15 south to the northwest corner of section 1, township 15 south, range 2 west; thence south three miles along the west lines of said section 1 and sections 12 and 13, said township and range, to the corner common to sections 13, 14, 23 and 24, said township and range, on the south boundary line of Linn County.

**607.615 Additional open range areas in Linn County.** All territory in the areas described as follows is open range:

(1) Beginning at a point where the south boundary line of Linn County intersects the corner common to sections 13, 14, 23 and 24, township 15 south, range 2 west of the Willamette Meridian; thence north seven miles to the northeast corner of section 14, township 14 south, range 2 west; thence west four and one-half miles to the north quarter-corner of section 18, said township and range; thence south one and one-half

miles to the center of section 19, said township and range; thence west one-half mile to the west quarter-corner of said section 19; thence south four and one-half miles along the range line between ranges 2 and 3 west to the northeast corner of section 13, township 15 south, range 3 west; thence west one-half mile to the north quarter-corner of said section 13; thence south two and one-half miles through the centers of said section 13 and section 24, said township and range, to the center of section 25, said township and range; thence west three miles through the centers of sections 26 and 27, said township and range, to the center of section 28, said township and range; thence south two and one-half miles to the south quarter-corner of section 4, township 16 south, range 3 west; thence east seven and one-half miles along the south boundary line of Linn County to the southeast corner of section 3, township 16 south, range 2 west; thence north four miles along the county boundary line to the southwest corner of section 14, said township and range; thence east one mile to the corner common to sections 13, 14, 23 and 24, said township and range, the point of beginning.

(2) Beginning at the southwest corner of section 29, township 13 south, range 2 west of the Willamette Meridian in Linn County; thence north four miles along the west lines of sections 29, 20, 17 and 8, said township and range; thence west one and one-fourth miles, more or less, along the north lines of said section 8 and section 9, said township and range, to the intersection of the north line of said section 9 with the center line of the Middle Ridge Road; thence southeasterly, easterly and northeasterly five miles, more or less, along the center line of said road through sections 9, 10, 11, 14, 2, and 1, said township and range, to the intersection of said line with the north line of said section 1; thence east two miles, more or less, along the township line between townships 12 and 13 south to the north quarter-corner of section 5, township 13 south, range 1 west; thence south one mile to the south quarter-corner of said section 5; thence east one and one-half miles to the northeast corner of section 9, said township and range; thence south three miles to the southeast corner of section 21, said township and range; thence east one mile to the northeast corner of section 27, said township and range; thence south two miles to the southeast corner of section 34, said township and

range; thence west five and one-half miles along the township line between townships 13 and 14 south to the south quarter-corner of section 35, township 13 south, range 2 west; thence north one mile to the north quarter-corner of said section 35; thence west three and one-half miles along the south lines of sections 26, 27, 28 and 29, said township and range, to the point of beginning.

**607.620 Jefferson County Livestock District.** No person owning or having custody, possession or control of any livestock, horses, mules, cattle, swine, sheep or goats, shall permit them to run at large or to be pastured upon public highways or roads or to go upon the land of another without permission of the owner of such land in the following described area of Jefferson County, such area to be known as Jefferson County Livestock District No. 2:

Beginning at the intersection of the east line of section 28 with the center of the channel of the Metolius River in township 11 south, range 11 east of the Willamette Meridian; thence in an easterly direction along the center of the channel of the Metolius River to the center of the channel of the Deschutes River in section 22, township 11 south, range 12 east of the Willamette Meridian; thence in a southerly direction along the center of the channel of the Deschutes River to its intersection with the south line of section 6, township 13 south, range 12 east of the Willamette Meridian; thence west to the southwest corner of said section 6; thence south to the southwest corner of lot 2 in section 7, township 13 south, range 12 E. W. M.; thence west about 2 miles to the southwest corner of the northwest quarter of section 11, township 13 south, range 11 E. W. M.; thence north to the southwest corner of the northwest quarter of the northwest quarter of said section 11; thence west one mile to the southwest corner of the northwest quarter of the northwest quarter of section 10, township 13 S. R. 11 E. W. M.; thence south one-half mile to the northeast corner of the southeast quarter of the southeast quarter of section 9, said township and range; thence west one mile to the northwest corner of the southwest quarter of the southwest quarter of said section 9; thence north one and three-fourths miles to the northwest corner of lot 4, section 4, township 13 S. R. 11 E. W. M.; thence west one and one-fourth miles to the northwest corner of lot 1, section 6,



said township and range; thence north one-half mile; thence west one-fourth mile; thence north one-half mile; thence west one-half mile to the northwest corner of section 31, township 12 S. R. 11 E. W. M.; thence north two miles to the northwest corner of section 19, said township and range; thence east one and one-half miles; thence north one-half mile; thence east one-half mile; thence north one-half mile to the northeast corner of section 17, said township and range; thence east one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north three-fourths of a mile; thence east one-fourth mile to the northwest corner of the northeast quarter of the northeast quarter of section 9, said township and range; thence north one and one-half miles; thence east one-fourth mile to the east line of section 33, township 11 south, range 11, E. W. M.; thence north along section lines to the point of beginning.

**607.625 Civil liability for herding animals in prohibited area.** (1) Any person permitting any of the animals listed in ORS 607.620 to run at large within the portion of Jefferson County described in ORS 607.620, or herding any such animals upon the lands of any other persons in the district, shall be liable to the owner or lawful possessor of such land.

(2) The owner or possessor may collect such damages by civil action.

(3) Nothing in this section prevents such animals from being lawfully driven along any county road or highway in the area described in ORS 607.620.

**607.630 Taking up animals running at large in prohibited area; appraisal of expense, sale and appeal.** (1) Any livestock of the kind enumerated in ORS 607.620 which is found running at large within the area described in ORS 607.620, may be taken up, held impounded and sold as provided by this section.

(2) Any person who finds any such animal running at large upon his premises or any premises of which he has lawful possession or control, whether inclosed or not, or upon any highway or roadway adjacent to such premises, is authorized to take up and sell such animal.

(3) Any person electing to take up such animal running at large shall without unnecessary delay, give notice of the taking up. The notice shall contain:

(a) A concise description of the animal, with marks and brands, if any.

(b) A statement that such animal will be sold unless redeemed.

(c) The time and place of sale.

The notice shall be delivered to the owner or person having control or charge of such animal, if he is known to the person taking up such animal and can be found in Jefferson County, by delivering a copy of it to the person. If the owner of the animal is unknown to the person taking it up or cannot be found in Jefferson County, then the notice shall be published in a newspaper of general circulation within such county in not less than two issues of such newspaper, prior to the day of sale. The first publication shall be not less than 15 days prior to the date of sale stated in the notice.

(4) If the owner of such animal, personally or by agent, appears and proves ownership of the animal at any time before the date of sale and tenders the costs of taking up the animal, as provided by ORS 607.635, and of giving notice, and of the reasonable charges and expenses of keeping it, and in addition, pays full damages for any injuries done by the animal to the person taking it up, if any, the animal shall be released and delivered to the owner or person entitled to have charge of it and no further record or action shall be necessary.

(5) If the owner of the animal does not appear and prove ownership and make the payments as provided in subsection (4) of this section, the animal shall be sold at public auction to the highest bidder for cash. The person taking up the animal may bid at such sale. Such sale shall vest the title to the animal in the purchasers.

(6) The person making the sale shall submit the amount of damage and charges for keeping and selling the stock to three disinterested freeholders of the county who shall appraise such expenses and damages and determine the amounts to be allowed and paid to the person taking up and selling such stock. Such persons shall then allow such sum as they deem just and proper, and their decisions shall be final.

(7) However, in all cases where the damages and charges for keeping the animal is appraised in any sum in excess of \$25, any person dissatisfied with the appraisal, or the amount of damages or keeping charges, may, within 90 days after the filing of the report, as provided in ORS 607.640, appeal



to the Circuit Court of Jefferson County from the decision of the appraisers. The appeal shall be upon the petition setting forth all the facts in concise language and without the necessity of filing any transcript or the making of any record by the appraisers other than the filing of the report as provided in ORS 607.640. Such appeal shall be sufficient in the petition which shall be filed with the clerk of such court, and a copy of it served upon any person adversely interested, in the same way complaints are served in actions at law. No summons shall be necessary.

**607.635 Taking-up charges.** (1) Any person who takes up any animal, as provided by ORS 607.630, is entitled to receive a taking-up charge of 50 cents for every cow, horse, mule or swine so taken up and 10 cents for each sheep or goat.

(2) The taking-up charge shall be in addition to the charges provided for in ORS 607.630 for the care and expense of keeping the animal and to any item for damages done by such animal.

**607.640 Report of sale and disposition of proceeds.** Within 10 days after the sale provided for in ORS 607.630, the person making it shall make a full report of the proceedings relating to such sale, in writing under oath. In it he shall state the amount of damages, costs and expenses allowed to the person taking up the animals and the description and number of animals. The person making the sale shall deduct the damages, costs and expenses and apply the same to those entitled to them. He shall deposit the balance, if any, in the county treasury and take the treasurer's receipt therefor and file the receipt, together with the report, in the office of the county clerk. It shall be kept by the clerk as a public record.

**607.645 Recovery of balance of proceeds by owner of the animal.** At any time within five years after the filing of the report, as provided by ORS 607.640, the owner of the animal sold, or his representatives or assigns, upon making proof in writing of his right thereto, is entitled to a warrant of the county treasurer for such balance without interest. Such warrant may be issued by the county clerk, upon his finding that ownership has been proven, without any action of the county court.

**607.650 Arbitration of damages.** If the owner of animals taken up as provided by

ORS 607.630 appears and proves ownership, as provided in ORS 607.630, and if he is unable to agree with the person taking up the animals as to the amount of damage done or as to the amount justly due for keeping the animals or as to costs incurred in selling them, the owner and the person taking up the animals shall each name one arbitrator and the two arbitrators so named shall choose a third. The arbitrators may swear witnesses, hear testimony, inspect the stock and premises and decide the amounts to be allowed. Their decision shall be final. If the person claiming the stock refuses to make such arbitration or to be bound by the award thereof, the sale of the stock shall be made as provided by ORS 607.630. If the person taking up the stock refuses to arbitrate or be bound by the award of the arbitrators, then no sale of any animals shall be made, and the person claiming them shall be entitled to the possession of them. However, such person must pay or tender to the person taking up the animals the taking-up charge provided by ORS 607.635.

**607.655 Enforcement of Jefferson County range law.** The sheriff of Jefferson County and other peace officers of the state and county shall enforce ORS 607.620 to 607.650 and arrest those found violating such sections.

**607.660 to 607.985** [Reserved for expansion]

## PENALTIES

**607.990 Penalties.** (1) Violation of ORS 607.045 is a misdemeanor.

(2) Violation of ORS 607.130 is punishable, upon conviction, by a fine of not less than \$5 nor exceeding \$30 for each offense. Each ram allowed to run at large in violation of ORS 607.130 is a separate offense.

(3) Violation of ORS 607.135 is punishable, upon conviction, by a fine of not less than \$5 nor exceeding \$50 for each offense.

(4) Violation of ORS 607.140 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$250 or by imprisonment in the county jail for not less than 30 nor exceeding 90 days.

(5) Violation of ORS 607.240 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$250 or by imprisonment in the county jail for not less than 10 nor exceeding 30 days.

(6) Violation of ORS 607.245 is punishable, upon conviction, by a fine of \$10 for the first offense, and \$25 for any subsequent offense.

(7) Violation of ORS 607.260 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$50 for each offense.

(8) Any person violating ORS 607.311 shall be guilty of a misdemeanor.

(9) Violation of any of the provisions of ORS 607.345 to 607.355 is punishable, upon conviction, by a fine of not less than \$500 nor exceeding \$5,000 or by imprisonment in the penitentiary not exceeding two years, or both. Any conviction, after the first conviction, for crimes defined by such sections, whether the first conviction was in the courts of this or any other state, is punishable by imprisonment in the penitentiary not exceeding 10 years.

(10) Violation of ORS 607.365 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$400.

(11) Violation of ORS 607.510 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$50 or by imprisonment in the county jail for not less than 30 nor exceeding 90 days, or both.

(12) Violation of any of the provisions of ORS 607.505, 607.515 or 607.620 to 607.655 is punishable, upon conviction, by a fine not exceeding \$50 for the first offense and not exceeding \$100 for any subsequent offense.

(13) Violation of ORS 607.520, 607.530 or 607.605 is punishable, upon conviction, by a fine not exceeding \$100.

(14) Violation of ORS 607.525 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$100 for each offense. [Amended by 1953 c.367 §13; subsection (8) enacted as 1953 c.367 §10; subsection (10) formerly 606.990; subsection (14), enacted as 1953 c.264 §1]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on October 15, 1955.

Sam R. Haley  
Legislative Counsel