

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1481

4  
5 By: Representative S. Prater  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO REPEAL OBSOLETE LAWS CONCERNING  
10 DROVERS; AND FOR OTHER PURPOSES.

## Subtitle

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12  
13 AN ACT TO REPEAL OBSOLETE LAWS  
14 CONCERNING DROVERS.  
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code Title 2, Chapter 34, Subchapter 3 is  
20 repealed.

21 ~~Subchapter 3. — Drovers.~~

22  
23 ~~2-34-301. Penalty.~~

24 ~~A willful violation of this subchapter shall be deemed a misdemeanor.~~  
25 ~~An offending party shall, on conviction, be fined in any sum not exceeding~~  
26 ~~five hundred dollars (\$500), at the discretion of the court.~~

27  
28 ~~2-34-302. Duty to brand stock.~~

29 ~~All persons driving horses, mules, asses, cattle, sheep, hogs, or other~~  
30 ~~stock through this state are required to have a mark or brand with which they~~  
31 ~~shall uniformly mark or brand their stock on some conspicuous part of the~~  
32 ~~animals.~~

33  
34 ~~2-34-303. Certificate of compliance.~~

35 ~~(a) Upon entering the state, drovers shall apply to the Director of~~  
36 ~~the Division of Brand Registry and there record their mark or brand, and,~~



1 upon the oath or affirmation, of one (1) or more credible witnesses who shall  
2 be citizens of the state to the effect that § 2-34-302 has been complied  
3 with, the director shall give them a certificate bearing the seal of the  
4 state, attested by the director, which must show that the parties have  
5 complied with the requirements of this section and § 2-34-302.

6 (b) A failure to comply with this section shall subject the parties to  
7 having their drove detained until they procure the necessary certificate.

8  
9 2-34-304. Duty to keep other stock separated.

10 (a)(1) If, in passing through this state, any horses, asses, cattle,  
11 sheep, hogs, or other stock should fall in with, or attempt to follow any  
12 drove, it shall be the duty of the drover to turn them out or keep them from  
13 following.

14 (2) In no case shall he mark, brand, kill, or in any way injure  
15 them.

16 (b)(1) A violation of this section shall be punishable as is  
17 prescribed by law for marking, branding, enticing away, or killing stock  
18 belonging to another.

19 (2) If complaint shall be made to any justice of the peace,  
20 verified by the affidavit of the complainant, that the drover has violated  
21 this section, he shall cause a writ to issue, to be called a writ of  
22 detention, which writ may be in the following form, viz:

23  
24 State of Arkansas,

25  
26 County of . . . . .,

27  
28 The State of Arkansas: to the sheriff or any constable of . . . . .  
29 County:

30  
31 Whereas, complaint has been made to me in writing, and under oath by . . . .  
32 . . . ., that . . . . ., a drover (here set forth the cause of complaint.)  
33 You are, therefore, hereby commanded to summon the aforesaid . . . . . to  
34 appear before me, at my office in said township, on . . . . . day of . . . .  
35 . . . ., to answer said complaint; and you are hereby commanded to take into  
36 possession and detain the drove of cattle (or horses) of the said . . . . .

1 ~~until otherwise directed by the undersigned.~~

2

3       ~~Herein fail not and make due return of this writ on the . . . . . of . . . . .~~  
4 ~~. . . . ., 19. . . . .~~

5

~~. . . . . J. P.~~

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7       ~~To cause the detention of the drove or other property of the drover and~~  
8 ~~have the stock examined.~~

9

10       ~~(c) The complainant or any other party may recover his property, as in~~  
11 ~~any other case, in which event the drover shall pay all costs accruing under~~  
12 ~~this section.~~

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