

them, or of which they may have possession or control, to run at large upon the public highways or upon the lands of any other person, during any season of the year unless properly herded.

SEC. 2. Any person or persons who shall violate or neglect the provisions of the first (1st) section of this act, shall be liable for all damages that may occur in consequence of the trespass of such animal or animals.

SEC. 3. The provisions of this act shall apply only to the whole of the town of Le Roy, in Blue Earth county, State of Minnesota, the same being town numbered one hundred and eight (108), of range numbered twenty-five (25).

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved November 21, 1881.

CHAPTER 186.

AN ACT RELATING TO THE RUNNING AT LARGE OF CATTLE, HORSES, MULES, SHEEP, SWINE AND OTHER DOMESTIC ANIMALS IN THE COUNTY OF FILLMORE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be unlawful for any person or persons to allow cattle, horses, mules, sheep, swine or other domestic animals owned by such person or persons having control of, or who may be in possession of the same, to run at large upon any of the public highways or upon the lands of any other person or persons, in the county of Fillmore, in the State of Minnesota, during any season of the year, unless they are carefully herded.

SEC. 2. The owner or owners or any person or persons having control or being in possession of any cattle, horses, mules, sheep, swine or other domestic animals as aforesaid, shall be liable in an action at law for all damages done by such animals as aforesaid, without regard to any fence or the sufficiency of any fence or fences on the lands on which the damage is done.

SEC. 3. Any person being the owner or occupant of any lands or a poundmaster of any town or incorporated city or village in in said Fillmore county, may take up and distrain and be known as the distrainer of any cattle, horses, mules, sheep, swine or other domestic animals found running at large contrary to the provisions of this act, *Provided*, That the person making distraint shall be at the time a resident of the town or adjoining town when such distraint is made, and the distrainer shall within twenty-four (24) hours (Sundays excepted) after such distraint, cause the animals distrained to be impounded in the nearest pound either in the same or adjoining town, city or village if there is one, and if none, then

in some other pound within the county of Fillmore, and upon the delivery of such animals to the poundmaster or other person receiving such animals into such pound, the distrainer shall make out and deliver to such poundmaster or other person acting as such, a certificate containing a brief description of the animals to be impounded, giving marks natural and artificial as near as practicable; the name and residence of the distrainer, and as near as may be the time when the animals were distrained and the value thereof, also the name of the owner of said animals if known to the distrainer; the amount of the distrainer's fees for distraining and delivering said animals to the poundmaster, which fees are as follows, viz: For cattle, horses and mules ten (10c) cents each; for sheep, swine or other domestic animals five (5) cents each, and the poundmaster's shall be as follows: For impounding and discharging cattle, horses and mules twenty-five (25) cents each; and for sheep, swine or other domestic animals ten (10) cents each; and for care and feed of animals while impounded, to commence twelve (12) hours after entering into or being impounded, twenty-five (25) cents each per day for cattle, horses and mules, and ten (10) cents each per day for each sheep, swine or other domestic animal; and the distrainer may in case damage is done by animals distrained, within twenty-four (24) hours (Sundays excepted) apply to a justice of the peace of the town or adjoining town, city or village who shall appoint three (3) disinterested inhabitants of such town where distraint is made to appraise the damages; such appraisers shall receive as compensation for their services one (\$1) dollar per day or fifty (50) cents for each half-day actually consumed in making the appraisal, and six (6) cents per mile as mileage in going to and returning from the place where the damages are done, to be paid in the first instance by the distrainer. The appraisers after their appointment shall be duly sworn and repair to the place and view the damages done, and they may take the evidence of any person of the facts necessary to enable them to ascertain the extent of such damage, for which purpose the appraisers or either of them, are authorized to administer an oath to every witness. The appraisers shall ascertain and certify under their hands the amount of such damages and their fees for their services, not exceeding one (\$1) dollar per day, and deliver the same to the distrainer or poundmaster, which fees with those of the justice shall be a lien on said distrained animals until the same are paid; and if the owner or person controlling or in possession of any animals at the time they were distrained and impounded under the provisions of this act, shall appear and pay to the poundmaster all fees and charges against the same, within five (5) days after said animals are impounded, then the poundmaster shall deliver over such animals to such owner or person having control of the same; but if no such owner or person shall so appear, then it shall be the duty of the poundmaster to keep and hold such animals subject to such further fees, costs and charges as may be incurred, by reason of further proceedings in pursuance of the requirements of this act. And the poundmaster shall then within ten (10) days, after the expiration of the five (5) days hereinbefore named, for the appear-

ance of the owner or person controlling or entitled to possession of the same, proceed to give notice of the distraining of impounding of such animals by publication of such notice in some weekly newspaper published at the county seat of said county, for three (3) weeks successively; the cost of such publication shall be added to the charges against such animals, and if at the expiration of such notice, (which notice shall embrace the certificate as required in the third (3d) section of this act, to be delivered by the distrainer to the poundmaster.) If the owner or person entitled to the possession of any animal so impounded, has not appeared within two (2) days after the expiration of the giving of said notice as heretofore provided, and paid all proper charges and costs against the same, it is hereby made the duty of the poundmaster to cause such animals then remaining in the pound, to be appraised by a justice of the peace of his town or adjoining town, city or village, which appraisal shall be certified to by such justice and within three (3) days thereafter, be filed in the town clerk's office of such town, and the distrainer shall pay to such justice of the peace fifty (50) cents for such appraisal (and certificate), and six (6) cents for every mile necessarily traveled in such service. The town clerk shall transmit by mail or otherwise forthwith to the register of deeds of Fillmore county, a certified copy of the published notice and description of the distrained animals on file in his office, for which certificate the town clerk shall receive the sum of twenty-five (25) cents, to be advanced by the person distraining said animals together with the fee of fifty (50) cents, which fee shall be forwarded by the town clerk to the register of deeds, with the notice aforesaid, and upon receipt of said notice and description with the fee accompanying it, the register of deeds shall cause the notice and description to be recorded in a book in his office kept for that purpose, designated "estrays book." *Provided*, The register of deeds shall not be entitled to more than fifty (50) cents for recording any estray notice or description, whether it includes a description of one (1) or more animals. It shall be the duty of said register to answer all letters of inquiry addressed to him, provided such letters contain a postage stamp to pay postage on said answer.

SEC. 4. If the owner or person entitled to the possession of any distrained animal under the provisions of this act, shall appear at any time within one (1) year after the notice is filed with the town clerk as aforesaid and make out his right thereto, he shall have such distrained animal or animals restored to him upon paying all lawful charges which have been incurred in relation to the same, including keeping by the distrainer.

SEC. 5. If the owner or person entitled to the possession of any distrained animal under the provision of this act, does not appear within two (2) days after the filing of the notice and certificate of the justice of the peace, with the town clerk, the poundmaster shall deliver to the distrainer all animals impounded by said distrainer, taking his receipt for the same and a bond with sureties to be approved by said poundmaster, in double the amount of the value of said distrained animals; conditioned that said distrainer shall faithfully comply with all of the conditions of this act.

SEC. 6. If the owner or person entitled to the possession of any impounded animal under the provisions of this act, cannot agree with the impounder upon the amount of charges for the keeping or for the care of such animals, either party may make application to any justice of the peace of the town or adjoining town, city or village, where such animals were impounded, to settle the same; and the party making such application shall give notice thereof to the other party, and if any amount shall be found due to the impounder by said justice over the value for the use of such animals, the same shall together with the costs of the justice be a lien on such animals until paid by the owner or person entitled to the possession of the same.

SEC. 7. If the owner or person entitled to the possession of any animal or animals impounded under the provisions of this act, shall not appear and make out his right thereto and pay the charges thereon, within one (1) year from the time the notice is filed with the town clerk as aforesaid, and if such animal or animals shall not have been appraised at a greater value than ten (\$10) dollars, the impounder shall have a perfect title to the same; but if the appraisal of such impounded animal or animals shall have been adjudged to be more than ten (\$10) dollars such animals shall be sold at the request of the impounder of said animals, by any constable of the town or adjoining town, city or village at public auction, upon first giving public notice thereof in writing, by posting up the same in three (3) of the most public places in said town; at least ten (10) days before such sale; and the impounder may bid therefor at such sale; and after deducting all lawful fees and charges of the impounder as aforesaid, and the fees of the constable which shall be the same as a sale on execution, the impounder shall deposit the remainder of the money with the treasurer of Fillmore county, taking a receipt therefor, which shall be a legal discharge of the impounder from all liability therefore.

SEC. 8. If the money be not claimed within one (1) year after the sale by the former owner of said impounded animals, after the same was sold under the provisions of this act, the surplus shall be paid by the county treasurer to the school fund of said Fillmore county.

SEC. 9. Any person claiming the ownership of any animal impounded under the provisions of this act, when the provisions of said act has been complied with, drives away any such animals or causes the same to be driven away from the place where the same is kept, without paying all legal charges and costs shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction, shall be fined in double the sum of said charges and costs, and imprisoned in the county jail not less than ten (10) nor more than thirty (30) days.

SEC. 10. Any person impounding any animals under the provisions of this act, who wilfully fails or wilfully neglects to comply with the provisions of this act, shall be subject to a fine of not less than ten (10) or more than one hundred (\$100) dollars, and imprisonment in the county jail not less than five or more than thirty days, and shall be precluded from all claims to compensation for

keeping or fees under the provisions of this act, and the town clerk and register of deeds shall be subject to a like fine for refusal or neglect to comply with their duties, under the provisions of this act.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved November 22, 1881.

CHAPTER 187.

AN AN ACT TO PROHIBIT THE CATCHING OF TROUT IN THE TOWN OF AFTON, WASHINGTON COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be unlawful for any person to catch, take or kill any fish known as speckled trout in the town of Afton, Washington county, this state, before the first (1st) day of January A. D. one thousand eight hundred and eighty-six (1886).

SEC. 2. Any person contravening any of the provisions of this act shall be punished by fine of not less than two dollars for each offense, and *further provided*, that each fish so caught, taken or killed, shall be deemed a distinct and separate offense and be punished accordingly.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 18, 1881.

CHAPTER 188.

AN ACT TO REPEAL AN ACT ENTITLED, AN ACT TO PROHIBIT THE CATCHING OF FISH IN THE CREEK RUNNING OUT OF LAKE WHIPPLE, POPE COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter three hundred and forty-eight (348) of the of the special laws of one thousand eight hundred and eighty one (1881), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from its passage.

Approved November 17, 1881.