

year, accumulated under the provisions of this act, shall be paid to the town or city treasurer of each town or city in proportion to the amount paid in, to be applied to the use of highways and bridges of said town or city. Disposition of fund accumulating.

SEC. 13. Chapter fifty-three of session laws of eighteen hundred and sixty, entitled "An act for the protection of sheep," and chapter eight of the session laws of eighteen hundred and sixty-two, an act entitled "An act to protect the wool-growing interests of the State by levying a tax on dogs," and chapter fifteen of the session laws of eighteen hundred and sixty-three, an act entitled "An act to license dogs, and for the protection of sheep," together with all other acts or parts of acts not in conformity with this act, are hereby repealed. Repeal of former act.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

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## CHAPTER XLIX.

*An Act to amend sections seven and eleven of chapter thirteen of General Laws of Minnesota, for the year eighteen hundred and sixty-three, relating to estrays.*

March 2, 1865.

- SECTION 1. Duty of Town Clerk when estray exceeds the value of ten dollars—fees of Town Clerk.
2. When estrays may be sold at public auction.
  3. Penalty for person taking estray for non-compliance with provisions of this act; also for Town Clerks or Register of Deeds.
  4. Repeal of inconsistent acts.
  5. When act to take effect.

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

SECTION 1. That section seven of general laws of

Minnesota for the year eighteen hundred and sixty-three, be and the same is amended to read as follows :

Duty of Town Clerk when estray exceeds the value of ten dollars—fees of Town Clerk

When the value of such estray shall exceed the sum of ten dollars, it shall be the duty of the town clerk to transmit by mail or otherwise forthwith, to the register of deeds of the county where such estray is detained, a certified copy of the notice, and description of the estray as on file in the office of the said town clerk. For which certificate the town clerk shall receive the sum of twenty-five cents, which shall be advanced by the person detaining such estray, together with the fee of fifty cents, which fee shall be forwarded by the town clerk to the register of deeds with the notice; and upon the receipt of said notice and description, with the fee accompanying it, it shall be the duty of the register of deeds to cause the notice and description to be recorded and put on file in his office, in a book kept for that purpose, to be designated as estray book; and shall be open to the inspection of the public. *Provided*, The register of deeds shall not be entitled to more than the sum of fifty cents for recording any estray notice and description, whether said notice includes a description of one or more animals.

SEC. 2. Section eleven of chapter thirteen of general laws of Minnesota, for the year eighteen hundred and sixty-three, shall be and is so amended [as] to read as follows :

When estrays may be sold at public auction.

Section 11. If no owners shall appear and claim such estray, as provided for in the preceding sections of this act, it shall be lawful for the person detaining such estray, to proceed to sell the same at public auction to the highest bidder, by posting notices in three of the most public places in the town, at least twenty days previous to such sale. *Provided*, That if the value of such estray shall be less than twenty-five dollars, the estray shall be sold within three months from the date of filing the notice with the town clerk; *And provided*, The value of such estray shall be twenty-five dollars or upwards, then such estray shall be sold at the expiration of six months from the date of the filing of the notice with the register of deeds.

SEC. 3. Any person taking or detaining any estray who shall fail or neglect to comply with the provisions

of this act, shall be subject to a fine of not less than ten or more than one hundred dollars or be imprisoned in the county jail not less than ten days or more than three months; and the town clerk and register of deeds shall be subject to a like fine for a refusal or neglect to comply with their duties.

Penalty for non-compliance with provisions of this act.

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

Repeal of inconsistent acts.

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

Approved March 2, 1865.

## CHAPTER L.

### *An Act to provide for distraining beasts doing damage during the night time.* March 2, 1865.

- SECTION 1. Distraining of beasts doing damage in the night time.
2. May do so at any time before such beast shall escape from said lands.
  3. Duty of appraiser appointed to assess damages.
  4. Appraisers to certify the amount of damages—fees.
  5. May cause beast to be put in the nearest pound until damages and fees be paid.
  6. Duty of poundmaster.
  7. Provision in case no public pound—when beast may be redeemed—if owner be known to be notified.
  8. Disposition of proceeds arising from such sale.
  9. Disposition of funds when not claimed by the owner.
  10. Owner liable in an action at law if beasts are not distrained.
  11. When owner of beast so distrained deemed guilty of a misdemeanor.
  12. Repeal of inconsistent acts.
  13. When act to take effect.

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

SECTION 1. It shall be lawful for the owner or occupant of lands to distrain all beasts doing damage upon his or her lands during the night time, from eight o'clock in the evening until sunrise; and when any such distress shall be made, the person distraining shall

Distraining of beasts doing damage in the night time.