

CHAPTER CLXX.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FOUR, OF THE SESSION LAWS OF A. D. 1875, ENTITLED "AN ACT TO PREVENT THE RUNNING AT LARGE OF CATTLE OR OTHER DOMESTIC ANIMALS IN THE COUNTY OF MOWER, STATE OF MINNESOTA."

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

SECTION 1. That section one of said chapter be amended so as to read as follows. "That it shall be unlawful for any person or persons to allow any cattle, horses, sheep, swine or other domestic animals larger than sheep, owned by such person or persons, or of which such person or persons have control or may be in possession, to run at large upon any public highway or upon the lands of any other person or persons, in the county of Mower, state of Minnesota."

SEC. 2. That section two of said chapter be amended so as to read as follows: "Any person or persons who shall violate the provisions of the above section of this act shall be liable for all damages that may ensue in consequence of the trespass of such animal or animals, and the owner or occupant of land in said Mower county may distrain all animals doing damage upon his land in said county, and when any such distress is made, the distrainer shall keep such animals in some secure place other than the public pound until his damages are appraised, and within twenty-four hours after such distress is made, unless the same is made on Saturday or Sunday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace of the town where such distress is made, who shall immediately appoint three disinterested inhabitants of such town to appraise the damages, such appraisers shall receive as compensation for their services one dollar per day for every day actually consumed in making the appraisal, and six 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, distance traveled and time spent to be certified to and made a part of the returns of said appraisers to said justice, of the peace."

SEC. 3. Such distress may be made at any time before such animals doing damage as aforesaid escape from said land and without regard to the sufficiency of the fences thereon.

SEC. 4. The appraisers shall immediately after their appointment 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 and circumstances 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 such witness, and the appraisers shall ascertain and certify to said justice under their hand the amount of such damage together with their fees for said services.

SEC. 5. Within twenty-four hours, Sunday excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers and fifty cents justice fees are paid, the distrainer shall cause the animals distrained to be put in the nearest pound, in the same town if there is one, and if there is no pound within the town then in same inclosure within the county, there to remain until the same are sold as hereinafter directed or until the damages so certified and the fees of the appraisers and justice and costs of keeping such animals are paid, and if such animals are put in any pound the distrainer shall deliver a copy duly certified by said justice, of the certificate of the appraisers to the keeper of such pound.

SEC. 6. The pound master shall receive and keep the animals so delivered to him in the public pound, shall furnish them with sufficient and appropriate food and drink, and take good care of such animals, and shall receive a reasonable compensation therefor from the distrainer in the first instance, who shall charge the same as part of the fees and costs against said animals, and said distrainer shall cause said animals so distrained to be sold at public vendue by the sheriff or any constable of the county as soon as practicable after giving like notice as is required in the case of constable sales of goods and chattels taken by execution; *Provided*, That the owner of such animals may redeem said animals from such sale within two months from the day of such sale by paying the purchaser the price he paid for the same at such sale, and twelve per cent. interest per annum thereon and the reasonable expense of keeping such animals since the said sale.

SEC. 7. From the proceeds of such sale the sheriff or constable, making the same, shall retain sufficient to pay the amount of his fees and shall pay to the distrainer the damages so certified, with fees of the appraisers, and of the justice, the cost of keeping such animals, fees of the poundmaster, and such other expenses and costs which the distrainer may be entitled to, and if there is any surplus the same shall be paid to the owner of such animals if known; if no owner appears at the time of such sale or within one week thereafter and claims such surplus, the same shall be paid by the sheriff or constable to the treasurer of the county in which such sale is made.

SEC. 8. The county treasurer shall, after deducting two per cent. for his fees, pay such surplus money, if claimed within one year after the distress, to the owner of such animals, if not claimed within that time to the school fund of that town in which the animals were distrained.

SEC. 9. If any person without the authority of law and without first paying all the damages and costs as above provided, takes such animals after being distrained, out of the possession of [the person making distress or] out of the possession of the sheriff, constable or poundmaster as the case may be, without his consent, then such person shall be deemed to have committed a misdemeanor and shall be punished therefor by fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months, and shall also be liable in double the amount of damages committed by such animals to the persons injured thereby; *Provided*, Nothing herein contained shall apply to the towns of Lansing and Leroy, in said county of Mower.

SEC. 10. All laws inconsistent with this act so far as they apply to Mower county are hereby repealed,

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

Approved March 4, 1876.

CHAPTER CLXXI.

AN ACT TO PREVENT THE RUNNING AT LARGE OF CATTLE OR OTHER DOMESTIC ANIMALS, IN THE COUNTY OF MOWER, MINNESOTA.

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

SECTION 1. That section two of chapter (CXXIV) one hundred and twenty-four, (General laws of 1875), be and the same is hereby amended so as to read as follows:

Sec. 2. Any person or persons who shall violate or neglect the provisions of the first section of this act, shall be liable for all damages that may ensue in consequence of the trespass of such animal or animals; *Provided*, Nothing herein contained shall apply to the townships of Lansing and Leroy in said county of Mower.

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

Approved March 2d, 1876.

CHAPTER CLXXII.

AN ACT TO VACATE A PORTION OF THE PLAT OF AN ADDITION TO THE VILLAGE OF MEDFORD, STEELE COUNTY, MINNESOTA, KNOWN AS THE RAILROAD ADDITION.

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

SECTION 1. That all that portion of the village of Medford in the county of Steele and State of Minnesota, platted and recorded as the railroad addition to said village, lying north of Oak street, and east of the line of the Chicago, Milwaukee and St. Paul Railroad, including