

determine the aldermanic districts in the fifth (5th) and sixth (6th) wards of said city.

SEC. 6. The common council of the city of Saint Paul is hereby prohibited from ever granting a license to sell or dispose of any wines, spirituous or malt liquors within the limits of the following territory, viz.: Sections twenty-eight (28) and twenty-nine (29), the east half (½) of the east half (½) of section thirty-two (32) and all of section thirty-three (33), in township twenty-nine (29), range twenty-three (23) and the east half (½) of the east half (½) of section five (5) and all of section four (4), in township twenty-eight (28), of range twenty-three (23), all in Ramsey county, Minnesota, and also within any territory within two hundred (200) feet of any of the boundary limits thereof, nor within a distance of one-half (½) mile of any college, university or reformatory institution within the limits of the new territory by this act added to said city.

SEC. 7. The board of education of the city of Saint Paul during its pleasure, is hereby authorized if, in the opinion of said board, it is for the best interest of education in the new territory annexed to said city, to continue the district schools in the districts which may be affected by this act, and to pay over to the said districts the *pro rata* amount of school tax within said district as now organized, as well as the *pro rata* share of any school money received from the county. All district school officers shall continue in office until the expiration of their present term of office; *Provided*, That until the furnishing of schools and school facilities to the new territory the present district organizations shall continue in force.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 3, 1885.

CHAPTER 282.

AN ACT TO PROHIBIT THE RUNNING AT LARGE OF ANIMALS IN WASHINGTON COUNTY.

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

SECTION 1. It shall be unlawful for any person or persons to allow any cattle, horses, mules, sheep or swine, or other domestic animals of which they are the owners or of which they have the control, to run at large upon any public highway, or upon the lands of another, within the county of Washington in this state. Such running at large

shall be and constitute a trespass, and such running at large of each and every of said animals shall be and constitute a distinct and separate trespass and a distinct and separate offense under this act.

SEC. 2. Every such trespass and each and every violation of any of the provisions of this act shall be and constitute a misdemeanor, and, upon conviction thereof, the person so offending shall be punished by fine not exceeding one hundred (100) dollars.

SEC. 3. Any person may, and every sheriff, constable and police officer shall, distrain and impound all such animals so running at large, and when so impounded such proceedings shall be had therein as are provided by the general laws of this state, save as herein provided.

SEC. 4. The owner or occupant of any property may distrain all beasts doing damages upon such property, and shall keep such beasts in some secure place, other than the public pound, until his damages are appraised; and within twenty-four (24) hours after such distress, unless the same is made on Saturday or Sunday, in which case before the Tuesday morning thereafter, he shall apply to a judge of the municipal court or a justice of the peace of any town in the county aforesaid, who shall appoint three (3) disinterested inhabitants of such town, city or village where the distress is made, to appraise the damages; such appraisers shall receive as compensation for their services one (1) dollar per day for every 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, distance traveled and time spent to be certified to and made part of the returns of said appraisers.

SEC. 5. 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 damages, for which purpose the appraisers or either of them are authorized to administer an oath to every such witness.

SEC. 6. The appraisers shall ascertain and certify under their hands the amount of such damages, with fees for their services not exceeding one (1) dollar per day.

SEC. 7. Within twenty-four (24) hours, Sunday excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers and the fifty (50) cents justice fees are paid, the distrainer shall cause the beasts so 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 some other 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 fees and cost of keeping such beasts are paid, and if such beasts are put in any pound, the distrainer shall deliver the certificate of the appraisers to the keeper of such pound.

SEC. 8. The poundmaster shall receive and keep the beasts so delivered to him in the public pound and shall, within five (5) days, sell such beasts, or so many of them as are necessary, at public vendue, giving at least three (3) days' notice of such sale, by posting up the same at such pounds and at three (3) of the most public places in said town, when and where such sale is to be made; *Provided*, That the

poundmaster or the person keeping such beasts shall furnish them sufficient and appropriate food and take good care of such beasts and shall be paid therefor as part of the fees and costs in such cases.

SEC. 9. If there is no pound within the town, city or village where such beasts are distrained, and the same are kept in an inclosure other than the public pound, such beasts, or so many of them as are necessary to pay all damages done by said beasts, together with all costs authorized by this chapter, shall be sold as soon as practicable, at public vendue, by or under the direction of the sheriff or any police officer or constable of the county, after the like notice [as] is required in the case of sheriff's sales of goods and chattels taken by execution; *Provided*, That any person who purchases any animal so sold shall keep the same for the period of two (2) months, and any person who owns said animal may redeem the same within the said two (2) months by paying all costs and charges and the price at which such animal was sold and interest at the rate of ten (10) per cent per annum.

SEC. 10. From the proceeds of such sale the person making the same shall retain sufficient to pay the amount of his fees, the cost of keeping such beasts and the charges of such sale; and he shall pay to the distrainer the damages so certified, with the fees of the appraisers and of the court, and if there is any surplus, the same shall be paid to the owner of the beasts, if known. If no owner appears at the time of such sale, or within one (1) week thereafter, and claims such surplus, the same shall be paid to the treasurer of the county in which such sale is made.

SEC. 11. The county treasurer shall, after deducting two (2) per cent for his fees, pay such surplus money, if claimed within one (1) year after the distress, to the owners of such beasts; if not claimed within that time, to the school fund of that town in which the beasts were distrained.

SEC. 12. In case the owner or occupant of lands shall not distrain the beasts doing damage, as provided herein, the owner of such beasts shall be liable in an action at law for all damages done by such beasts.

SEC. 13. If any person or persons, without authority of law and without first paying the damages and costs, takes such beasts, 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 a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding three (3) months, and shall also be liable, in double the amount of damages committed by such beasts, to the person injured thereby. This act shall not apply to the town of Mist Lake in said county.

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

Approved March 7, 1885.