

## CHAPTER 378.

[H. F. No. 540.]

## AN ACT REGULATING THE RUNNING AT LARGE OF DOMESTIC ANIMALS IN OTTER TAIL COUNTY.

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

SECTION 1. It shall be unlawful for any persons to allow cattle, horses or other domestic animals owned by them, or of which they may be in possession or have control, to run at large upon the public highways or upon the land of any other person or persons during any season of the year, unless properly herded. *Provided*, that the provisions of this section shall not apply to any portion of the state of Minnesota, except the county of Otter Tail; and all former acts concerning the herd law of Otter Tail county be hereby repealed. *Provided further*, that the provisions of this act shall not apply to any township in said county which has already elected or hereafter shall elect, at any town meeting, to permit cattle to run at large; and any township which shall have so elected, may rescind such action by a majority vote of the electors of such township present and voting at any town meeting held therein, and such township shall thereafter be governed by the provisions of this act and until otherwise determined by a subsequent election.

The owners or occupants of lands may distrain all beasts doing damage upon his lands lying and being in the county of Otter Tail, without regard to any fence or the sufficiency of any fence or fences on the lands on which the damage is done; and when any such distress is made, the distrainer 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 Sunday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace of the town, who shall appoint three disinterested inhabitants of such town to appraise the damage. 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 whence 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.

SEC. 3. 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.

SEC. 4. Within twenty-four (24) hours, Sundays excepted, after the damages are so appraised, unless the amount so ascertained and

the fees of the appraisers and fifty (50) cents justice fees are paid, the distrainer shall cause the beasts 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 inclosure within the county, there to remain until the same are sold as hereinafter directed or until the damages are certified and the fees of the appraisers and justice and costs of keeping the 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. 5. The pound master 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 pound and at three (3) of the most public places within the town, when and where such sale is to be made. *Provided*, that the poundmaster or the person keeping such beasts shall furnish them with 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. 6. If there be no pound within the town 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 constable of the county after like notice as is required in the case of constables' 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 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; *Provided further*, that if the owner of such beasts is known to the person distraining he shall notify the owner within twenty-four (24) hours after such distraining, if such owner resides within the same town, and if such owner does not reside within the same town but in the same or adjoining county, then within three (3) days after such distraining, Sundays always excepted, such notice shall specify the time and place where such beasts are distrained, the number of such beasts, and that the same are distrained for doing damage.

SEC. 7. From the proceeds of such sales, the person making the same shall retain sufficient to pay the amount of his fees, the cost of keeping such beasts, and the charge of such sale; and he shall pay to the distrainer the damages so certified, with fees of appraisers and of the justice, and if there is any surplus, the same shall be paid to the owner of such beasts, 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 to the treasurer of the county in which such sale is made.

SEC. 8. The county treasurer shall, after deducting two (2) per cent for his fees, pay such surplus money, if claimed within one year after the distress, to the owner of such beasts, if not claimed within

that time, to the school fund of that town in which the beasts were distrained.

SEC. 9. If any person 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 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.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 22, 1889.

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## CHAPTER 379.

[S. F. No. 543.]

AN ACT TO DETACH CERTAIN TERRITORY FROM THE VILLAGE OF RED LAKE FALLS, POLK COUNTY, AND TO ATTACH THE SAME TO THE TOWN OF RED LAKE FALLS IN SAID COUNTY.

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

SECTION 1. That the southwest quarter (sw  $\frac{1}{4}$ ) of section twenty-one (21), and the west half of the northwest quarter (w $\frac{1}{2}$  nw $\frac{1}{4}$ ) of section twenty-one (21), and the southeast quarter of the northwest quarter (se $\frac{1}{4}$  ne $\frac{1}{4}$ ) of section twenty-one (21), all in town one hundred and fifty-one (151) north, of range forty-four (44) west, be, and the same is hereby detached from the village of Red Lake Falls, Polk county, and the same is hereby attached to and made a part of the town of Red Lake Falls in said county for all purposes whatsoever the same as if it had never been included within the corporate limits of said village.

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

Approved April 15, 1889.