

inn or boarding house and shall procure any food, entertainment or accommodation without paying therefor except their credit is given by express agreement, with intent to cheat or defraud the owner or keeper of such hotel, etc., out of pay for the same or if any person shall obtain credit at any hotel, inn, &c., for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto, or who shall with such intent remove or cause to be removed any baggage or effects from any hotel, inn or boarding house while there is a lien existing thereon for the proper charges due from him for board and entertainment furnished as aforesaid.

SEC. 4. Every landlord or keeper of a public hotel or inn shall be liable for embezzlement for not promptly returning money and valuables deposited in his safe. What considered embezzlement.

SEC. 5. All goods or property taken by any hotel, inn or boarding house keeper, and by him held for non-payment of any bill for board, lodging or accommodation, may be sold after the expiration of ninety days and default being made in the payment of such bill upon a notice of ten days at public auction upon notice as in cases of of constable's sales. When goods deemed to be forfeited.

SEC. 6. This act shall take effect be in force from and after its passage. When act to take effect.

Approved March 5, 1874.

CHAPTER LIII.

AN ACT TO AMEND CHAPTER THIRTY-FOUR OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, AMENDING SECTION TWENTY-NINE OF CHAPTER NINETEEN OF THE GENERAL STATUTES, AND TO AMEND SECTION THIRTY-EIGHT OF TITLE THREE, OF CHAPTER NINETEEN OF THE GENERAL STATUTES RELATING TO DISTRAINING BEASTS DOING DAMAGE.

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

SECTION 1. That section twenty-nine of title three, of

chapter nineteen of the general statutes, amended by chapter thirty-four of the general laws of eighteen hundred and seventy be amended so as to read as follows :

Distraining
beasts—who to
appraise dam-
ages.

Sec. 29. The owner or occupant of lands may distrain all beasts doing damage upon his lands, 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 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 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.

Compensation of
appraisers.

SEC. 2. To amend section thirty-eight of title three of chapter nineteen of the general statutes so as to read as follows :

Liable to action,
when.

Sec. 38. 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 without regard to the sufficiency of the fences on the lands on which damage is done. *Provided, however,* That in all cases arising under the provisions of this act, or the statutes to which this act is amendatory, in towns where a majority of the voters at any town or special town meeting called for the purpose shall determine by by-law of such town that horses, cattle, mules and asses shall be permitted to run at large, in accordance with subdivision sixth, section fifteen, general statutes of eighteen hundred and sixty-six. No damage shall be recovered by the owner of any lands for damage committed thereon by any such beasts during the day time, until it shall first be proved that said lands were enclosed by a lawful fence ; and every three rail fence, four feet high, constructed of such materials and in such manner as to constitute a good and sufficient fence as against cattle, horses, asses and mules, one or more years old, that are not breachy, or any fence equal thereto in sufficiency, shall,

What is a legal
fence.

for the purpose of this act be deemed a lawful fence, but the word "cattle," as used in the act, shall not be so construed as to include either sheep or swine, or any other domestic animal not exceeding the size of sheep or swine; *Provided, further*, That the foregoing proviso shall not apply to or be in force in the counties of Wabasha, Dodge, Steele, Lac qui Parle, Martin, Yellow Medicine, Lyon, the Seventh Senatorial District (Winona county), and Goodhue county. *Provided*, That the provisions of this act shall not apply to the thirtieth, thirty-first, thirty-second, thirty-fifth, thirty-ninth, except Stevens county, fortieth, forty-first, twenty-eighth, twenty-ninth, thirty sixth and twenty-seventh districts.

District not applicable.

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

When act to take effect.

Approved March 9, 1874.

CHAPTER LIV.

AN ACT RELATING TO ESTRAY.

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

SECTION 1. No person shall take up any estray except horses and mules, unless such person shall be at the time a resident of the same town wherever such estray shall be found nor unless such estray shall be found upon the lands owned or occupied by the finder.

Who authorized to take up estrays.

SEC. 2. Any person taking up an estray, shall, within seven days thereafter, notify the owner, if to him known, and request such owner to pay all reasonable charges and take such estray away.

Notice to be given.

SEC. 3. If the owner of any estray be unknown, the finder shall, within ten days after taking up the same, file a notice thereof with the town clerk, and if the estray or estrays so taken up are of the value of less than five dollars, he shall also post up notices of the taking up of such estray in two or more public places in such town; but if the estray or estrays so taken up are of the value of more than five dollars, the town clerk shall transmit to the

If owner be unknown, duty of finder.