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OF THE  
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PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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When and how finder of money or goods to give notice thereof.

of three dollars, or more, and if the owner thereof be unknown, such person shall, within five days after finding such money, or goods, give notice thereof, in writing, to the register of deeds of the county in which such property was found; and shall also, within said five days, cause a notice thereof to be posted up in two public places in said county.

When notice to be published and appraisal made.

SEC. 11. Every finder of lost goods, of the value of ten dollars, or more, shall, in addition to the requirements in the preceding section, within fifteen days after finding the same, cause notice thereof to be published in a newspaper printed in the county, if there be one published therein; and if there be none, then such notice shall be posted up in three of the most public places in the county; and if no person shall appear to claim the same who may be entitled thereto, he shall, within two months after finding such goods, and before using the same to their injury, procure an appraisal thereof, by a justice of the peace of his county, which appraisal shall be certified to by such justice, and filed in the office of the register of deeds of such county.

When and how owner to have restitution.

SEC. 12. If the owner of such lost money, or goods, shall appear within one year after notice given to the clerk, as aforesaid, and shall make out his right thereto, he shall have restitution of the same, or the value thereof, upon his paying all the costs and charges thereon, including a reasonable compensation to the finder, for his trouble.

If owner do not appear, finder to pay one half into the county treasury.

SEC. 13. If no owner shall appear within one year, then the finder of such lost money, or goods, shall pay one-half of the value thereof, after deducting all legal charges, to the treasurer of the county; and in case such finder shall neglect to pay the same, on demand, after the expiration of the time aforesaid, the same may be sued for and recovered by the said treasurer, in the name of the county.

Penalty if finder neglect to give notice.

SEC. 14. If any finder of lost money, or goods, of the value of three dollars, or upwards, shall neglect to give notice of the same, and otherwise to comply with the provisions of this chapter, he shall be liable for the full value of such money, or goods; one-half to the use of the county, and the other half to the person who shall sue for the same, and shall also be responsible to the owner for such lost money or goods.

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CHAPTER 26.

OF THE DISPOSITION OF UNCLAIMED PROPERTY.

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SECTION

1. Description of property received by consignees or bailees to be entered in a book.
2. When and how owner to be notified of reception of property.
3. If property not claimed and taken away in one year, may be sold.
4. Notice of sale, how to be given.
5. Proceeding if owner do not appear and take away property upon notice.
6. Inventory to be made, and justice to order property sold.
7. Constable to give notice, and sell property at auction.

SECTION

8. Constable to make return to justice.
9. Justice to pay charges and balance to county treasurer, with statement, &c.
10. Treasurer to enter amount received, and file statement.
11. Owner may receive amount deposited within five years.
12. After five years to belong to county.
13. When and how perishable property may be sold.
14. Fees of justices and constables under this chapter.

SEC. 1. Whenever any personal property shall be consigned to, or deposited with any forwarding merchant, wharf keeper, warehouse keeper, tavern keeper, or the keeper of any depot for the reception and storage of trunks, baggage, merchandize, or other personal property, such consignee or bailee shall immediately cause to be entered in a book kept by him, a description of such property with the date of the reception thereof.

Description of property received by consignees or bailees to be entered in a book.

SEC. 2. If such property shall not have been left with such consignee or bailee, for the purpose of being forwarded or disposed of according to directions received of such consignee or bailee, at or before the time of the reception thereof, and if the name and residence of the owner of such property be known to the person having such property in his possession, he shall immediately notify the owner by letter, directed to him, and deposited in a post office, of the reception of such property.

When and how owner to be notified of reception of property.

SEC. 3. If any such property shall not be claimed and taken away within one year after the time it shall have been so received, the person having possession thereof, may at any time thereafter, proceed to sell the same in the manner provided in this chapter.

If property not claimed and taken away in one year may be sold.

SEC. 4. Before any such property shall be sold, if the name and residence of the owner thereof be known, at least sixty days notice of such sale shall be given him, either personally or by mail, or by leaving a notice at his residence or place of doing business; but if the name and residence of the owner be not known, the person having the possession of such property, shall cause a notice to be published, containing a description of the property, for the space of six weeks successively, in a newspaper if there be one published in the same county; if there be no newspaper published in the same county, then said notice shall be published in a newspaper nearest thereto, in an adjoining county; the last publication of such notice shall be at least eighteen days previous to the time of sale.

Notice of sale how to be given.

SEC. 5. If the owner or person entitled to such property, shall not take the same away and pay the charges thereon, after sixty day's notice shall have been given, it shall be the duty of the person having possession thereof, his agent or attorney, to make and deliver to a justice of the peace of the same county, an affidavit setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of such property be known or unknown.

Proceeding if owner do not appear, and take away property upon notice.

SEC. 6. Upon the delivery to him of such affidavit, the justice shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall annex to such inventory an order under his hand, that the property therein described, be sold by any constable of the precinct where the same shall be, at public auction.

Inventory to be made, and justice to order property sold.

SEC. 7. It shall be the duty of the constable receiving such inventory and order, to give ten day's notice of the sale, by posting up written notices thereof in three or more places in such precinct, and to sell such property at public auction to the highest bidder, in the same manner as provided by law for sales under executions from justices' courts.

Constable to give notice, and sell property at auction.

SEC. 8. Upon completing the sale, the constable making the same shall indorse upon the order aforesaid, a return of his proceedings thereon, and return the same to the justice, together with the inventory, and the proceeds of the sale after deducting his fees.

Constable to make return to justice.

SEC. 9. From the proceeds of such sale, the justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge, if the proceeds of said sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of the county in which

Justice to pay charges and balance to county treasurer, with statement, &c.

the same shall be sold, and deliver a statement therewith, containing a description of the property sold, the gross amount of such sale and the amount of costs, charges and expenses paid to each person.

Treasurer to enter amount received, and file statement.

SEC. 10. The county treasurer shall make an entry of the amount received by him and the time when received, and shall file in his office such statement so delivered to him by the justice.

Owner may receive amount deposited within five years.

SEC. 11. If the owner of the property sold, or his legal representatives, shall at any time within five years after such money shall have been deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property, he or they shall be entitled to receive from such treasurer the amount so deposited with him.

After five years to belong to county.

SEC. 12. If the amount so deposited with any county treasurer, shall not be claimed by the owner thereof or his legal representative, within the said five years, the same shall belong to the county, and may be disposed of as the board of county commissioners may direct.

When and how perishable property may be sold.

SEC. 13. Property of a perishable kind and subject to decay, by keeping, consigned or left in the manner before mentioned, if not taken away within thirty days after it shall be left, may be sold by giving ten days notice thereof; the sale to be conducted, and the proceeds of the same to be applied in the manner before provided in this chapter: *Provided*, That any property in a state of decay, or that is manifestly liable immediately to become decayed, may be summarily sold by order of a justice of the peace after inspection thereof, as provided in section six, of this chapter.

Fees of justices and constables under this chapter.

SEC. 14. The fees allowed to any justice of the peace under the provisions of this chapter, shall be one dollar for each days service, and to any constable the same fees as are allowed by law for sales upon an execution, and ten cents per folio for making an inventory of property.

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CHAPTER 27.

OF MARKS AND BRANDS, AND FILING CHATTEL MORTGAGES.

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SECTION

1. Register of deeds to record marks and brands.
2. Penalty for using mark or brand of another; for marking horses, &c., of another, and for destroying mark.
3. Chattel mortgage, when and how filed.

SECTION

4. Register to enter names of parties in a book.
5. Effect of certified copy of mortgage in evidence.
6. Fees of register of deeds.

Register of deeds to record marks and brands.

SEC. 1. It shall be the duty of the resister of deeds of each county on the application of any person residing in such county, to record a description of the marks or brands, with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same county.

SEC. 2. If any person shall wilfully mark any of his horses, cattle,