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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

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1851

out making such horses fast with a sufficient halter, rope, or chain, or without some suitable person to take the charge or guidance of them, so as to prevent their running; and if any such driver shall violate the provisions of this section, he and his employer or employers jointly and severally, shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor, after the expiration of three months from the time of committing the offence.

Owner liable for damages occasioned by driver.

SEC. 5. The owners of every carriage or other vehicle, running or traveling upon any road or public highway, for the conveyance of passengers for hire, shall be liable jointly and severally, to the party injured in all cases, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person or to the property of any person, whether the act occasioning such injury or damage be wilful, negligent, or otherwise, in the same manner as such driver would be liable.

CHAPTER 25.

OF STRAYS.

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SECTION

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Who may take up strays.

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

Within what time notice to be given to owner.

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

How notice is to be given, if owner is unknown.

SEC. 3. If the owner of any stray be unknown, the finder shall within ten days after taking up the same, file a notice thereof, with the clerk of the board of county commissioners, and if the stray or strays so taken up are of the value of less than five dollars, he shall also post up notices of the taking up of such stray, in two or more public places in such county; but if the stray or strays so taken up, are of the value of more than five dollars, he shall cause such notice to be published in some newspaper of the county, for four weeks successive-

ly, if one be printed therein; if there be none, then by posting up written notices in three of the most public places in the county; all said notices shall contain a brief description of the stray, describing the same by giving marks, natural and artificial, and as near as practicable, the name and residence of the finder, and as near as may be the time at which the same was taken up.

SEC. 4. Every finder of a stray or strays, which, when taken up are of the value of ten dollars or more, shall within one month after taking up the same procure an appraisal thereof, by a justice of the peace of his county, which appraisal shall be certified to by such justice, and, within the time before mentioned, filed in the office of the clerk of the board of county commissioners; and he shall pay to such justice fifty cents for each appraisal and certificate, and six cents for every mile necessarily traveled in such service.

When value of stray is ten dollars, appraisal to be made and filed.

SEC. 5. If the owner, or person entitled to the possession of any stray, shall appear at any time within one year after the notice is filed with the clerk, as aforesaid, and make out his right thereto, he shall have such stray restored to him, upon paying all lawful charges which have been incurred in relation to the same.

Owner may have stray restored within one year.

SEC. 6. If the owner and the finder of any stray cannot agree upon the amount of such charges, or for the use of any such stray, either party may make application to any justice of the peace of the county where such stray was taken up, to settle the same, and the party making such application shall give notice thereof to the other party; and if any amount shall be found due to the finder, by the said justice, over the value of the use of such stray, the same shall be a lien on said stray until paid by the owner; and the costs of such adjudication shall abide the decision of the justice.

If the owner and finder cannot agree upon charges, justice may settle the same.

SEC. 7. If the owner, or person entitled to the possession of any stray, shall not appear and make out his title thereto, and pay the charges thereon, within one year from the time the notice is filed with the county clerk, as aforesaid, and if such stray shall not have been appraised at a greater value than ten dollars, as provided in the fourth section of this chapter, such stray shall be sold at the request of the finder, by any constable of the precinct, at public auction, upon first giving public notice thereof, in writing, by posting up the same in three of the most public places in said precinct, at least ten days before such sale; and the finder may bid therefor at such sale, and after deducting all the lawful charges of the finder, as aforesaid, and the fees of the constable, which shall be the same as upon a sale on an execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the county, to be disposed of in such manner as the county commissioners may direct, and the other half shall belong to the finder.

When strays to be property of finder without sale.

SEC. 8. If any person shall, without the consent of the finder, take away any stray, taken up pursuant to the provisions of this chapter, without first paying all the lawful charges incurred in relation to the same, he shall be liable to the finder for the value of such stray.

When stray to be sold.

Penalty for taking away stray without consent of finder.

SEC. 9. If the finder of any stray shall neglect to cause the same to be advertised, or a notice thereof to be posted up, or if he shall neglect to procure the appraisal of any stray, which shall be of the value of ten dollars, or more, or if he shall neglect to perform any of the duties required of him in this chapter, he shall be precluded from acquiring any right of property in such stray, by the provisions of this chapter, or receiving any damages, or charges, for keeping the same.

Penalty for neglect of finder to advertise, &c.

OF LOST MONEY AND GOODS.

SEC. 10. If any person shall find any money, or goods, of the value

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.

CHAPTER 26.

OF THE DISPOSITION OF UNCLAIMED PROPERTY.

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SECTION

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