

Chap. 29.

An Act to provide for distraining cattle doing damage.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May distress.

SECTION 1. It shall be lawful for the owner or occupant of lands to distress all beasts doing damage within his enclosure, and when any distress shall be made of any beasts doing damage, the person distressing shall keep such beasts in some secure place other than the public pound until his damages shall be appraised, and within twenty-four hours after such distress, unless the same shall be made on Saturday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace, who shall appoint three disinterested freeholders of such town to appraise the damages.

Damages to be appraised.

How appraisers to proceed.

SEC. 2. Such freeholders shall thereupon immediately repair to the place and view the damage done, and they may take the evidence of any competent witness of the facts and circumstances necessary to enable them to ascertain the extent of such damage, for which purpose the said freeholders or either of them are hereby authorized to administer an oath to every such witness.

Compensation of services.

SEC. 3. The said freeholders shall ascertain and certify under their hands the amount of such damage, with their fees for their services, not exceeding one dollar per day; and if any disagreement shall arise touching the sufficiency of any fence around the premises where such damage was done, the said appraisers may examine witnesses in relation thereto, and for that purpose may administer oaths to such witnesses and they shall determine such disagreement, which decision shall be conclusive.

To not stray in nearest pound.

SEC. 4. Within twenty-four hours after the said damages shall be so appraised, unless the amount so ascertained and the fees of the appraisers shall have been paid, the person making such distress shall cause the beasts distressed to be put in the nearest pound in same county if there be one, and if there be no pound within the county then in some secure inclosure in the county, there to remain until the same be replevied according to law, or sold as hereinafter directed or until the damages so certified, and the fees of the appraisers, and cost of keeping such beasts, be paid; and if said beasts be put in any pound he shall deliver the certificate of the appraisers to the keeper of such pound.

SEC. 5. The pound masters of the several towns or counties of this state shall receive and keep the beasts so delivered to them in the public pound; and unless the same

shall be replevied or discharged according to law within six days, such pound master shall sell such beasts or so many of them as shall be necessary, at public vendue, giving two days notice of such sale by advertisement to be fixed up at such pound, and at three of the most public places within the town where such sale is to be had: *Provided always*, that the pound master or person keeping any such animals shall furnish them with sufficient and appropriate food and take good care of said animals, and shall be paid therefor as part of the fees and costs in such cases.

Pound master to sell, &c.

Proviso.

SEC. 6. If there shall be no pound within the county, where such beasts are distrained, [and] the said beasts shall be kept in an inclosure other than the public pound; and unless the same shall be discharged in the manner mentioned in the 5th section of this act, within six days from the time of such distraining, such beasts or so many of them as shall be necessary, shall be sold at public vendue, by or under the direction of the sheriff or any constable of the county, after the like notice as is required in the case of constables' sales of goods and chattles taken by execution or attachment: *Provided*, That if the owner or owners of such beasts shall be known to the person distraining, it shall be the duty of the person so distraining, to notify the owner or owners of such beasts, within twenty-four hours after such distraining, if such owner or owners shall reside in the same town; and if such owner or owners shall not reside in the same town, but in the same county, within three days after such distraining. Such notice shall specify the time when, and the place where such beasts were distrained, the number of such beasts, and the amount of damage done, if known.

How to proceed when there is no pound.

Proviso.

SEC. 7. From the proceeds of such sale, the persons making the same shall retain sufficient to pay the amount of his fees, and the cost of keeping such beasts, and the charges of such sale; and he shall pay to the persons distraining such beasts, the damages so certified, with the fees of the appraiser; and if there be any surplus, the same shall be paid to the owner of such beasts, if known. If no owner appear at the time of sale, or within one week thereafter, and claim such surplus the same shall be paid by the person making such sale to the town treasurer of the town where such sale is made.

To retain fees.

SEC. 8. The several town treasurers, to whom any moneys may be paid, in pursuance of the 7th section of this act, shall keep the same for one year from the time of such sale, unless the owner of such beasts shall sooner demand

Town treasurer to keep surplus.

the same. But if the said moneys shall be so demanded, the same shall be paid to the owner of such beasts, the said treasurer deducting therefrom two per cent for his fees.

To pay over to
poor fund.

SEC. 9. If the owner of such beasts shall not appear within one year from the time of such sale and demand such surplus money, the said treasurer shall place the same in the treasury of his town, to be expended in support of the poor of such town. Said money to be paid over to the owner thereof, at any time thereafter, on proper proof being produced to the town treasurer.

SEC. 10. This act to take effect on the first day of May next.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.

LEONARD J. FARWELL.

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An Act to vacate the plat of the village of Dunkirk, and the village of Dunkirk Falls in Dane county.

Chap. 30.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Village plat va-
cated.

SECTION 1. The town plat of the village of Dunkirk, which lies on the east half of the north-west quarter of section twenty-eight, town five, range eleven, in Dane county, and also, the town plat of the village of Dunkirk Falls, which lies on sections 28 and 21 in the above said town, range, and county, is hereby vacated, and the owners thereof may possess all the rights and privileges that they would have possessed in relation thereto, had not the same been laid out into village lots.

SEC. 2. This act to take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.

LEONARD J. FARWELL.