

CHAPTER 54.

[Published March 6, 1869.]

AN ACT to codify the laws of this state relating to "strays."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

SECTION 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 town wherein such stray shall be found, nor unless such stray shall be found upon the lands owned or occupied by the finder.

Who may take up strays.

SECTION 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 take such stray away.

Shall notify owners.

SECTION 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 town clerk of the town, 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 town; 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 for four weeks successively in some newspaper printed in the county in which he resides, unless there shall be one printed still nearer his place of residence in an adjoining county, in which case he may publish it in either paper, at his option; and in case there shall be no newspaper printed within twenty miles of the residence of the finder of such stray or strays, he shall post up written notices in three of the most public places in the county in which he resides. 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. The said town clerk shall transmit a copy of every such notice to the clerk of the board of county supervisors; and any person taking up or finding any such

If owner be unknown, how to proceed.

Penalty for neglect to give notice.

stray or strays, who shall neglect or refuse to post up and publish such notice as provided in this section, shall be liable to the owner of such strays in double the amount of damage sustained by reason of such neglect or refusal. And if any person so taking up or finding such stray or strays, shall for the space of one year neglect or refuse to post up and publish such notices as required by law, including the section, township and range in which he lives, he shall, howsoever [moreover], be liable to pay to the town treasurer, of the town where he resides the full value of such stray or strays, to be sued for and recovered in the name of said town treasurer, before any justice of the peace in the county; and such money so recovered shall be paid over to said town treasurer, and by him distributed as school money, in the manner now provided for the payment of school moneys that come into the hands of town treasurers.

Finder shall cause stray to be appraised.

SECTION 4. Every finder of 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 town, which appraisal shall be certified to by such justice, and within the time before mentioned, filed in the office of the town clerk of such town; and he shall pay to such justice fifty cents for such appraisal and certificate, and six cents for every mile necessarily traveled in such service.

Stray to be restored on payment of charges

SECTION 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 town 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.

If owner and finder cannot agree, how proceed.

SECTION 6. If the owner and the finder of any stray cannot agree upon the amount of such charges, or for the use of such stray, either party may make application to any justice of the peace of the town 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.

SECTION 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 town clerk as aforesaid, and if such stray shall not have been appraised at a greater value than ten dollars, the finder shall have a perfect title to the same; but if the appraised value of such stray shall have been adjudged to be more 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 town at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in such town 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 town, to be disposed of in such manner as the town may direct, and the other half shall belong to the finder. The finder shall make out a statement in writing under oath, of his lawful charges aforesaid, which statement he shall deliver to the constable at the time of making the sale, who shall cause the same to be filed in the office of the town treasurer of the town where such stray was taken up; and that portion of the proceeds of such sale to be deposited in the town treasury of the town, shall be so deposited by said constable within ten days after the time of making such sale.

If owner shall not claim stray within one year, how proceed.

SECTION 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 charges incurred in relation to the same, he shall be liable to the finder for the value of such stray.

Stray not to be taken away till charges paid.

SECTION 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 prop-

Penalty for neglect to advertise and appraise.

erty in such stray by the provisions of this chapter, or receiving any damages or charges for keeping the same.

SECTION 10. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 55.

[Published March 3, 1869.]

AN ACT to provide for stereotyping the reports of the decisions of the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supreme court reporter may procure reports stereotyped.

SECTION 1. The reporter of the decisions of the supreme court shall cause to be stereotyped the plates of all volumes of such reports as shall hereafter be published, and shall deliver to the secretary of state five hundred and fifty (550) copies of each volume hereafter published and stereotyped, the same to be of the same style and quality as volume twenty-one of the Wisconsin reports, and to contain not less than seven hundred and fifty pages, and upon furnishing to the secretary of state satisfactory proof of having stereotyped the plates of such volumes, the said reporter shall receive from the state the sum of four dollars and fifty cents for each copy so furnished, to be audited by the secretary of state, and paid by the state treasurer on the warrant of the secretary of state, out of any money not otherwise appropriated.

Price per volume of reports.

SECTION 2. The said reporter shall sell said volumes at a price not exceeding four dollars and fifty cents per copy to all residents of this state, and no greater price shall be received by said reporter or by the publishers, or by his or their agents or assigns, or either of them.