

CHAPTER 170

STRAYS AND LOST CHATTELS

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170.01 Who may take up strays. No stray, except horses and mules, shall be taken up by any person not a resident of the town in which it is found nor unless it is found upon land owned or occupied by him.

170.02 Finder to give notice; penalty. Every finder of a stray shall, within 7 days thereafter, notify the owner thereof, if to him known, and request him to pay all reasonable charges and take such stray away; and if such owner be to him unknown he shall, within ten days, file a notice with the town clerk of the town, who shall transmit a copy thereof to the county clerk. He shall publish notice, if the value of the stray exceeds \$50, as a class 3 notice, under ch. 985, in the county. The notice shall briefly describe the stray by giving its marks, natural or artificial, as near as practicable, the name and residence of the finder, specifying the section and town, and the time when such stray was taken up. For neglect or refusal to publish such notice as required, the finder of such stray shall be liable in double the amount of damages sustained by the owner of such stray. For neglect or failure for one year to publish such notices the finder of such stray shall be liable for its full value, to be recovered by action in the name of the town, and the amount recovered shall be added to the school fund of such town.

170.03 Appraisal. Every finder of a stray of the value of \$10 or more, at the time of such taking up, shall within one month cause the stray to be appraised by the chairman of the town, and a certificate of the appraisal, signed by the chairman, shall be filed in the town clerk's office. The finder shall pay the town chairman 50 cents for the certificate and 10 cents per mile for each mile necessarily traveled to make the same.

170.04 Charges for keeping. The owner or person entitled to the possession of the stray at any time within one year after the notice is filed

with the town clerk may have the stray restored to him or her upon proving his or her right to the stray and paying all lawful charges. If the claimant and the finder cannot agree as to the amount of the charges or upon what should be allowed for the use of the stray either party, on notice to the other, may apply to the chairman of the town to settle the dispute, who for that purpose may examine witnesses on oath. If any amount is found due the finder, over the value of the use of the stray, the amount, with the costs, shall be a lien upon the stray and costs of the adjudication shall abide the decision of the town chairman. If either party refuses to accept the decision of the town chairman, action may be brought in circuit court.

History: 1977 c. 449.

170.05 Sale of stray. If no claimant for the stray requests its return under s. 170.04 and if the stray has not been appraised at more than \$10 the finder shall become the absolute owner; but if the appraised value exceeds \$10 the stray shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in case of sales under ch. 815. The finder may bid at the sale and shall at the time of sale deliver to such officer a statement in writing of the finder's charges, which shall be filed by the officer with the town treasurer; and after deducting the charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder and within 10 days thereafter the other half to the treasurer of the town for its use. If the finder of the stray neglects or refuses to cause the sale to be made when required by law the finder shall pay to the town the value of the stray, to be recovered in an action by the town.

History: Sup. Ct. Order, 67 W (2d) 775; 1975 c. 218.

170.06 Removal of stray; neglect to give notice, etc. If any person shall, without the con-

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sent of the finder, take away any stray taken up pursuant to 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; and if any finder shall neglect to give, file or publish the notices or have the appraisal made or do any other act prescribed by this chapter he shall be precluded from acquiring any right of property in such stray and from receiving any charges or expenses relative thereto.

170.07 Lost chattels, notice. If any person shall find any money or goods of the value 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 town clerk of the town 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 the same town.

170.08 Notice and appraisal. Every finder of lost goods of the value of \$25 or more shall give notice thereof to the clerk of the town wherein found, within 15 days after finding the goods and cause a class 2 notice thereof under ch. 985 to be published in the county. If no person appears to claim the same who is entitled thereto he shall, within 2 months after finding such goods and before using the same to their injury, procure an appraisal thereof by the town chairman of his town, the appraisal shall be

certified to by the chairman and filed in the town clerk's office.

170.09 Restitution. If the owner of such lost money or goods shall appear within one year after notice given to the town 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.

170.10 Payment to town. 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 town; 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 such town.

170.11 Penalty for neglect. If any finder of lost money or goods of the value of three dollars or upward 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 town 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.