

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 seven 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. If the stray is of less value than five dollars he shall post copies of such notice in at least two public places in such town; but if such stray exceeds five dollars in value he shall publish such notice for four successive weeks either in some newspaper published in the county or in an adjoining county, if one be there published nearer to his residence than any paper published in his county; but if no newspaper is published within twenty miles of his residence then he may post such notice in three public places in his county. Such notices 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 post up or 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 thereby. For neglect or failure for one year to so post and 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 also within one month thereafter cause the same to be appraised by a justice of the peace or the town chairman of such town, and a certificate of such appraisal, signed by the justice or chairman, shall be filed in the town clerk's office. The finder shall pay the justice 50 cents for the certificate and 10 cents per mile for each mile necessarily traveled to make the same. [1945 c. 110]

170.04 Charges for keeping. The owner or person entitled to the possession of any such stray at any time within one year after such notice is filed with such town clerk may have the same restored to him upon proving his right thereto and paying all lawful charges incurred in relation to the same. If the claimant and the finder cannot agree as to the amount of such charges or upon what should be allowed for the use of such stray either party, on notice to the other, may apply to any justice of the peace or the town chairman of such town to settle the same, who for that purpose may examine witnesses on oath. If any amount shall be found due to the finder, over the value of the use of such stray, the same, with the costs, shall be a lien upon such stray, and costs of such adjudication shall abide the decision of the justice. When acting in any case under this chapter a town chairman shall have the same powers as a justice of the peace and the law governing justices of the peace and justices' courts shall, so far as applicable, apply thereto. [1945 c. 110]

170.05 Sale of stray. If no claimant for such stray shall cause its return to him as before provided and if such stray shall not have been appraised at more than ten dollars the finder shall thereupon become the absolute owner thereof; but if such appraised value exceeds ten dollars such 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 upon a justice's execution. The finder may bid at such sale and shall, at the time of sale, deliver to such officer a statement in writing of his charges, which shall be filed by such officer with the town treasurer; and after deducting such 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 ten days thereafter the other half to the treasurer of such town for its use. If

the finder of any such stray shall neglect or refuse to cause such sale to be made when required by law he shall pay to the town the value of such stray, to be recovered in an action by the town.

170.06 Removal of stray; neglect to give notice, etc. If any person shall, without the consent 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 \$10 or more shall, in addition to the requirements of the preceding section, within 15 days after finding the same, cause notice thereof to be published in a newspaper printed in the county, if there be one published therein; if there be none, then such notices shall be posted up in 3 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 2 months after finding such goods and before using the same to their injury, procure an appraisal thereof by a justice of the peace or the town chairman of his town, which appraisal shall be certified to by such justice or chairman and filed in the town clerk's office of such town. [1945 c. 110]

Note: After appraisal certificate of title finder and finder may sell same. 19 Atty. for abandoned automobile may be issued to Gen. 354.

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.