

mediately examine all brand books or brand sheets in his possession, and if the owner be ascertained thereby, or if the owner be already known to the poundkeeper, he shall, if the owner live within ten miles, immediately deliver a copy of such certificate of appraisement to such owner, or leave the same at his residence if he cannot be found; if the owner do not live within ten miles, the poundkeeper may at his option deliver such copy personally to the owner or deposit the same in the nearest postoffice in a registered letter addressed to such owner, with the postage prepaid thereon. He shall however, serve the copy in one of the ways provided herein; provided, that whenever personal service of a copy of any service is required by this act service by agent will be deemed sufficient.

Sec. 14. As soon as any such animals are delivered to the poundkeeper he shall immediately proceed to advertise the same as hereinafter provided, except when the owner is known and has been notified, in which case he shall hold said animals forty-eight hours before advertising the same. He shall advertise by posting notices in three of the most public places in the precinct, one of which shall be at or near the postoffice, if there be one, and shall deliver a copy of the same to the county clerk, or send the same by deputy or by registered mail. The clerk shall preserve such notice and post a copy thereof as provided in section four of this act. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour and place at which such animals will be sold which shall be not less than ten nor more than twenty from the time of posting such notice; said notices may be substantially in the following form:

SALE OF ANIMALS FOR DAMAGES.

State of Utah, } ss.
County of _____ }

In the _____ precinct of said county.

I have in my possession the following described animals which if not claimed and taken away will be sold at public auction to the highest cash bidder at _____ in _____ precinct on _____ the _____ day of _____ 189____, at the hour of _____ (description of animals).

Said animals are held by me to secure the payment of \$ _____ damages done by said animals upon the premises of _____ on the _____ day of _____, 189____.

Poundkeeper of _____ Precinct.

Sec. 15. The owner of any trespassing animals taken up under the provisions of this act may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement, and the accrued costs; and if such animals are included in a lot or group belonging to other parties, against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire

lot or group. If he deems the appraisal too high, he may choose another appraiser having the qualifications herein provided, who, with the first, shall make a new appraisal, and if they cannot agree, they two shall choose a third and they shall proceed to make another appraisal, which shall be final.

Sec. 16. If such animals are not claimed and taken away by the owner the poundkeeper shall, at the time and place set forth in the order of sale, proceed to sell such animals, one at a time to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundkeeper shall sell only enough of said animals to pay the damages and costs, and the remainder may be turned over to the owner at any time thereafter, but if the owner be not known the poundkeeper shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as provided in section 5 of this act. Said copies shall be preserved for a period of two years and shall be open for inspection at all reasonable hours free of charge.

Sec. 17. The owner of any trespassing animals sold under the provisions of this act, may at any time within ninety days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with ten per cent additional, and a reasonable compensation for the care and keeping of the same. If such purchaser or assignee refuse to give up such animals on the owner proving his title to the same and on his tendering the amounts due, as herein provided, such owner may maintain an action at law to recover the same; provided, that the purchaser or any assignee who has disposed of such animals, shall not be liable to such owner in any amount. If no redemption of such animals be made within ninety days after the date of such sale, then such sales shall be absolute and vest the title to such animals in the purchaser or his assignee. Any person selling or disposing of any such animal within ninety days of its sale under the provisions of this act, shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, and if he fails to do so he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for a less amount than be paid for the same.

Sec. 18. If any estrays or trespassing animals sold under the provisions of this act, shall within a period of six months immediately ensuing after the date of the sale hereof, be claimed, identified and proven as the property of any person, it shall be the duty of the poundkeeper at the expiration of such time to forthwith pay the money received for such animals to the owner thereof less the amount of damages and the expense of taking, keeping and selling the same, but in the event such animals are not claimed as aforesaid, then such money shall become the property of the State and the poundkeeper shall immediately pay the same into the county treasury to the credit of the State;

Provided, that in case there is a contest between two or more persons claiming to be the owners of any such animals, the poundkeeper shall, at the end of six months, proceed to hear the evidence of all such parties and shall decide to whom the property belongs and pay the money to such party. Any person deeming himself aggrieved by any such decision may bring an action in the proper court against the party receiving the money, for the recovery of the same.

Sec. 19. The poundkeeper shall keep an accurate record of all trespassing animals received by him, which shall contain all the items required by section six of this act together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction. Such record shall be open for inspection at all reasonable hours.

Sec. 20. There shall be a State estray brand to consist of the letters S. U. which letters shall be three inches in length. The board of county commissioners shall immediately furnish the poundkeeper of each precinct with the proper branding iron, and the poundkeeper shall place such estray brand upon the left side of the neck of all animals sold by him except hogs, sheep and goats.

Sec. 21. The poundkeeper shall be entitled to the following fees: For taking into his possession any animal, whether one or more, fifty cents; for driving the same each mile, ten cents; for traveling in delivering copy of certificate of appraisement, ten cents a mile, one way, for the first ten miles, and five cents for each mile thereafter; for advertising, including posting and mailing notices, one dollar; for each bill of sale, and filing copy fifty cents.

Provided, that all animals sold to one person shall be included in one bill of sale; for branding, twenty-five cents for the first, and ten cents for each additional animal; for selling, five per cent of the amount of the sale; for keeping, a reasonable sum to be determined by the market price of forage and pasturage at the time and place where the animals were kept. Appraisers shall be allowed twenty cents an hour for the time employed, and ten cents a mile, one way for going to place of trespass.

Sec. 22. The owner of any animals unlawfully impounded or sold may maintain an action to recover the same and damages for the detention thereof.

Sec. 23. Any person who shall take any animal out of the possession of any one lawfully holding the same under the provisions of this act, either by stealth, force or fraud, or who shall intercept or hinder any person lawfully taking up or attempting to take up such animals, is guilty of a misdemeanor.

Sec. 24. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large.

Sec. 25. Chapter LXX of the Session Laws of 1892 and Chapter LX of the Session Laws of 1894, of the Territory of Utah are hereby repealed.

Sec. 26. This act shall take effect from and after the first day of June, 1896.

Approved April 16, 1896.