

**Revised Statutes of 1846 (EXCERPT)**  
**Of Distraining Beasts.**

**433.104 Recovery for damages caused by beasts.**

Sec. 4. When any person is injured in his land, by sheep, swine, horses, asses, mules, goats or neat cattle, he may recover his damages in an action of trespass, or trespass on the case, against the owner of the beasts, or against the person having the care and control of such beasts, or by distraining the beasts doing the damage, and proceeding therewith as hereinafter directed; but if the beasts shall have been lawfully on the adjoining lands, and shall have escaped therefrom in consequence of the neglect of the person who has suffered the damage, to maintain his part of the division fences, the owner or person having the control of the beasts shall not be liable for such damage.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5049;—CL 1871, 6770;—How. 8358;—CL 1897, 10691;—CL 1915, 14782;—CL 1929, 9064;—CL 1948, 433.104.