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States' Fence Statutes: *Mississippi*



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States' Fence Statutes: Mississippi

Miss. Code Ann. §§ 69-13-1, 69-13-7 to 69-13-27, 69-13-101 to 69-13-117, 69-13-201 to 69-13-211, 69-13-301 to 69-13-339, 89-13-1 to 89-13-23, 95-5-23, 97-17-89.

The Statutes and Constitution are current with laws from the 2021 Regular Session effective through April 20, 2021. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

§ 69-13-1. Statewide Stock Law.

There is declared, created and now in existence a statewide stock law which embraces all of the territory of the State of Mississippi and which is declared to be uniform throughout the state, except as hereinafter provided. Any person or persons owning or having under control any livestock such as cattle, horses, mules, jacks, jennets, sheep, goats and hogs, shall not permit such livestock to run at large upon the open or unfenced lands of another person, except as herein expressly provided, but shall keep such livestock confined in a safe inclosure or upon lands belonging to such person. However, upon the petition of twenty percent of the qualified electors of any county of this state, outside of the municipalities thereof, the board of supervisors of such county shall call an election to be held within sixty days after the filing of such petition for the purpose of permitting the qualified electors of such county, outside of the municipalities, to vote upon the question whether or not the provisions of the statewide stock law shall remain in force in such county, outside of the municipalities thereof; and if a majority of the qualified electors of such county, outside of the municipalities thereof, voting in said election, shall vote to sustain the statewide stock law, then it shall remain in full force and effect in said county, but should a majority of the qualified electors of said county, outside of said municipalities, voting in said election, vote against the statewide stock law, then sixty days after said election the provisions thereof shall not apply to or be in force in said county, outside of the municipalities thereof, except in its application to hogs or swine, which shall not be permitted in any event to run at large in any county of this state.

In the event a county has heretofore elected to come out from under the stock law, no less than five years after such election, upon the petition of twenty percent of the qualified electors of any such county outside the municipalities thereof, the board of supervisors shall call an election to be held within sixty days after the filing of such petition to vote upon the question of whether or not the provisions of the statewide stock law shall apply in that county outside the municipalities. If a majority of the qualified electors of such county, outside of the municipalities thereof, voting in said election, shall favor the statewide stock law, then sixty days after said election the provisions of the statewide stock law shall apply in that county outside the municipalities. If the majority of those voting in the election vote against the statewide stock law, the provisions of the statewide stock law shall continue to be inapplicable to such county outside municipalities. No election on the same question may be held more often than once every two years.

§ 69-13-7. Necessity of Fences.



If two or more adjoining counties shall at an election called pursuant to Section 69-13-1, vote against the state-wide stock law, then in such case, no fence or other barrier along the boundary lines of such county shall be necessary. However, in the event that two or more counties shall at such an election vote against the state-wide stock law, but an adjoining county or counties shall elect to remain under the provisions of the state-wide stock law, then the county or counties voting against the state-wide stock law shall, at its or their own proper cost and expense, before the provisions hereof shall become effective in such county or counties, build and erect and maintain along the line or lines of such counties a good and substantial fence or other sufficient barrier to prevent the intrusion of all such livestock mentioned in Section 69-13-1 as are permitted by the provisions of said section in such county or counties voting against the state-wide stock law, over, on, and upon the territory of the county or counties remaining under the provisions of the state-wide stock law. The fence herein provided shall be a fence satisfactory to and prescribed by the board of animal health, but no cattle guard or other obstruction shall be constructed or placed on any state highway. However, any infested county must provide watchmen night and day at such points to prevent cattle from passing through the gap where county fences would cross state highways.

§ 69-13-9. Lawful fence in open range counties defined.

In open range counties all fences four feet high, in good repair, and substantially and closely built with rails, planks, pickets, hedges or other substantial material, or with wires or wires and plank are lawful fences; and lawful fences may be made by raising the ground into a ridge and erecting thereon a fence of rails, planks, pickets, hedges, wires, or planks and wires, or other substantial material so that the ridge and fence together be four feet high, and such material so used shall not be more than six inches apart.

§ 69-13-11. Stock law districts in counties with sea walls.

In counties in the State of Mississippi wherein sea walls or similar structures are constructed and maintained by the county, and in which there are two or more municipalities, each of which have ten thousand inhabitants or more, the board of supervisors in such counties may, by ordinance, create a stock law district of such area adjoining such sea wall or structure as such board may determine and adjudicate, not to extend more than one mile from such sea wall. The ordinance which may be so adopted by the board of supervisors creating such a stock law district may prohibit livestock such as cattle, horses, mules, jacks, jennets, sheep, goats, or hogs, running at large within the territory so designated as the stock law district, and such ordinance so adopted by the board of supervisors shall provide the method in which such stock law may be enforced in said district, and the penalty for the violation thereof, shall be in accordance with the provisions of the general statewide stock law.

The board of supervisors is hereby authorized and empowered to accept donations, grants or gifts from any private individual, corporation or organization, for the purpose of building and constructing fence or fences as necessary to protect such area.

§ 69-13-15. Taking up of stock.

Any livestock as referred to in Section 69-13-1, found running at large upon the lands of any other person than the owner or custodian of such stock, may be taken up by any sheriff, constable, marshal, or other peace officer of the state within his territorial jurisdiction, and confined within a safe enclosure. If such animal, or animals, taken up be infested with, or exposed to Texas fever tick, they may be dipped by such officers, or persons, having such animal, or animals, so confined, until said livestock are free from infestation, and



said dipping shall be under the rules and regulations prescribed by the board of animal health as near as possible. And the charges for so taking up and confining, together with any damage done by said stock, if any, shall be a special, first and paramount lien upon said livestock, and unless same are paid by the owner, or persons having such livestock under his control, when so notified, such livestock shall be sold as estrays, and the cost of taking up and confining, and damages, if any, together with other costs and expenses, shall first be deducted, and the balance, if any, shall be paid to the owner, or person having such livestock under his control, and the officer, or person, taking up such livestock, in addition to all other charges as now allowed by law, shall receive 50 cents per head for each dipping of each animal infested with or exposed to fever tick.

§ 69-13-17. Person taking up stock.

Any such livestock as referred to in Section 69-13-1 may be taken up and confined by any person upon whose land such animal, or animals, may have entered or may be found, such person not having consented for the animal, or animals, to run at large on such land, and when so taken up shall be dealt with as estrays. For taking up any animal the person so taking the animal up shall be allowed ten dollars (\$10.00) per head for each animal so taken up, but in no case shall he be entitled to receive more than fifty dollars (\$50.00) for stock taken up at any one time. He may also receive reasonable compensation for feeding and caring for such animals while keeping them.

§ 69-13-19. Owner liable for damages.

Every owner of livestock referred to in Section 69-13-1 shall be liable for damages for all injuries and trespasses committed by such animals by breaking and entering into or upon the lands, grounds, or premises of another person; and the person injured shall have a lien upon the animal, or animals, trespassing for all such damage. The damages for such trespass shall not be less than ten dollars (\$10.00) for each horse, cow or hog, and five dollars (\$5.00) for each of the other kinds of stock; and for every succeeding offense, after the owner has been notified of the first trespass or injury, double damages shall be recovered with costs. For breaking or entering into a pasture or waste ground, however, double damage shall not be recoverable, and the damages in such cases may be assessed as low as eight dollars (\$8.00) for each horse, cow or hog and two dollars (\$2.00) for each of the other kinds of livestock.

§ 69-13-21. Enforcement of Lien.

The person taking up an animal trespassing, after two days may begin his action to recover damages and charges and to enforce his lien, by filing a bill of particulars of his damages, together with a description of the animal on which the lien is claimed, with a justice of the peace, if his claim does not exceed two hundred dollars; and the justice shall issue a summons for the owner or person entitled to the custody, returnable instant at such place as he shall designate; and if the animal be not in the custody of the plaintiff, the justice may issue a writ commanding the officer to seize the animal. The summons being executed and returned, the justice shall proceed as in other suits. If the justice finds in favor of the plaintiff, he will assess the damages and charges and enter judgment accordingly, and direct the animal to be sold to satisfy the judgment; and if the animal be not in custody of the plaintiff or officer the order for sale may embrace a command to levy upon it.

§ 69-13-23. Appeal.

The party against whom judgment may be given in a case to enforce a lien pursuant to



Section 69-13-21 may appeal to the circuit court as other cases.

§ 69-13-25. Claims exceeding two hundred dollars.

If the amount claimed for the damages by animals trespassing exceed two hundred dollars, the plaintiff will proceed by petition in the circuit court, wherein the proceedings shall be according to the practice of that court; and the clerk shall perform the ministerial duties prescribed for justices of the peace in cases before them.

69-13-27. Owner entitled to replevy animal.

The owner of the animal, or person entitled to the custody, may, after suit is brought and before final judgment, replevy the animal by giving bond, with sufficient sureties, to be approved by the justice of the peace, clerk, constable, or sheriff, in double the value thereof; and thereafter the suit shall proceed and the bond be in the place of the animal, and judgment may be rendered against the obligors therein.

§ 69-13-101. Unlawful activities.

It shall be and is hereby declared unlawful for any livestock to roam at large on the federal or state designated paved highways or highway rights-of-way of the State of Mississippi, except, however, that in those counties that have heretofore voted to come out from under the statewide stock law this shall only apply to U.S. designated highways, Mississippi Highway 55, and all paved Mississippi highways where said highways traverse more than one (1) county and connect directly with another paved highway in another state being extensively traveled by citizens of other states, and the rights-of-way thereof; and except also that this section shall not apply to any such highway or highway right-of-way or any type of highway or road located on any levee maintained by the Board of Mississippi Levee Commissioners or the board of levee commissioners for the Yazoo-Mississippi Delta through maintenance contracts calling for or permitting pasturage of livestock on levee rights-of-way.

§ 69-13-103. Impounding Livestock; Authority of Supervisors.

The commissioner of public safety shall be placed in charge of and be responsible for the taking up and impounding of livestock found on the highways or highway right-of-ways described in Section 69-13-101. The commissioner of public safety is authorized, in his discretion, to secure the services of any person or persons residing in the respective counties of the state where he deems it necessary or advisable, other than an elected county officer, who shall assist the highway safety patrol in taking up such loose livestock and impounding the same in a private enclosure, which the private individual provides, without any cost to the state, such an individual being paid solely from the fees and assessments hereinafter provided against any such livestock. The commissioner of public safety, in the alternative, may require that such livestock be impounded in an enclosure, in the event the board of supervisors of that county has provided such an enclosure for that purpose.

A private individual hired by the commissioner of public safety to pick up loose livestock may not pick up such livestock off the highways and highway right-of-ways unless a state highway patrolman, or a sheriff or his deputy, or a constable, or some other law enforcement officer is present at the time such livestock is picked up.

The board of supervisors of each county within the State of Mississippi may, in its discretion, make provision for the care of animals so taken up and impounded under the



provisions of this article and all county officers and law enforcement officers are directed to give full cooperation to the highway safety patrol in carrying out the provisions of this article.

§ 69-13-105. Charges against impounded livestock.

The fees, assessments, liens and charges against livestock picked up and impounded under Sections 69-13-101 and 69-13-103 are as follows:

- (a) An assessment of ten dollars (\$10.00) per head, which shall go to the private individual employed by the commissioner of public safety to perform such work.
- (b) Two dollars and fifty cents (\$2.50) per head, which shall be an impoundment fee, one dollar (\$1.00) of which shall be forwarded, for each animal impounded, to the state treasurer, earmarked for the Mississippi Highway Safety Patrol, on the first day of each month, and the balance of one dollar and fifty cents (\$1.50) shall be deposited in the general county fund of the county in which the animal is impounded.
- (c) There shall be an assessment of one dollar and fifty cents (\$1.50) per day, per head of impounded livestock, such assessment to be deposited in the general county fund to pay for the cost of feeding and caring for such livestock, if the livestock is impounded in a county-owned and operated enclosure, but if the animal is impounded in a private enclosure provided by the private individual employed by the commissioner of public safety, such fee shall be paid to that individual.
- (d) Any incidental costs, such as securing the services of a veterinarian, a milker or other necessary incidental expenses.

All the above assessments, fees and costs shall be and are hereby made a first and paramount lien upon such animals until same are paid in full, and upon the sale of the livestock, as provided in this article, all such assessments shall be withheld and taken from the proceeds of the sale and paid to the proper person, officer or fund as set forth above prior to the payment of any amount to the original owner of the animal.

§ 69-13-107. Authority of Highway Safety Patrol.

The Mississippi Highway Safety Patrol shall, in the alternative:

- (a) Provide necessary equipment to remove such livestock from the highways and shall impound all livestock found on all highways as provided in this article, or
- (b) Contract for and obtain the services of private individuals to remove such livestock from the highways and impound the same in the private pen or enclosures provided by such private individuals, in accordance with the provisions of this article.

§ 69-13-109. Description of impounded livestock to be published.

When any livestock shall have been taken up and impounded in the enclosure to be provided by the board of supervisors, the sheriff of said county or counties shall be responsible for having the descriptions of all such livestock published in one weekly newspaper with general circulation in that part of the county where livestock was taken up. Such notice shall be in substantially the following form:

"To Whom It May Concern:



You are hereby notified that the following described livestock (giving full and accurate description of same, including marks and brands) is now impounded at (giving location where livestock is impounded) _____ and the amount due by reason of such impounding is \$ _____ dollars per day. The above described livestock will, unless redeemed within five (5) days from date hereof, be offered for sale at public auction to the highest and best bidder for cash.

Date Sheriff of _____ County, Mississippi"

Unless the impounded livestock is redeemed within five days from date of notice, the sheriff shall forthwith give notice of sale thereof which shall be held not less than five days nor more than twelve days (excluding Sundays and holidays) from the first publication of the notice of sale. Said notice of sale shall be published in a newspaper of general circulation in the said county (excluding Sundays and holidays) and by posting a copy of such notice at the court house door. If there be no such newspaper then by posting such copy at the court house door and at two other conspicuous places in said county.

Such notice of sale shall be in substantially the following form:

"(Name of owner, if known, otherwise 'To Whom It May Concern') you are hereby notified that I will offer for sale and sell at public sale to the highest and best bidder for cash the following described livestock (giving full and accurate description of each head of livestock) at _____ o'clock, ____ .M. (the hour of sale to be between 11 o'clock A.M. and 2 o'clock P.M. Central Standard Time) on the _____ day of _____ at the following place: _____ (which place shall be where the livestock is impounded or at the place provided by the county commissioners for the taking up and keeping of such livestock) to satisfy a claim in the sum of _____ for fees, expenses for feeding and care and costs hereof.

Date Sheriff of _____ County, Mississippi"

If the rightful owners shall claim the impounded animals, they may do so by paying all assessments or liens as herein provided, after signing for them on forms provided by the commissioner of public safety, such forms to include the descriptions of said animals. All receipts shall be deposited in a special fund known as the "Sheriff's Livestock Sale Fund." If it is later determined who the rightful owners are, the sheriff may have refunded to them the selling price after all liens are paid. Any funds accrued in this account shall, on June first of each year, be transferred to the general county fund.

§ 69-13-111. Owners of livestock roaming at large liable for damages.

The owners of livestock which through their owner's negligence are found on federal or state designated paved highways or highway rights-of-way shall be subject to any damages as a result of wrecks, loss of life or bodily injury as a result of said livestock being on the above designated highways. The burden shall be on the owner of any such livestock to prove lack of negligence. This section shall not be applicable to any such highway or highway right-of-way or any type of highway or road located on any levee maintained by the Board of Mississippi Levee Commissioners or the board of levee commissioners for the Yazoo-Mississippi Delta through maintenance contracts calling for or permitting pasturage of livestock on levee rights- of-way.

§ 69-13-113. Injury to Impounded Livestock.



Neither the state nor any county shall be liable for any injury which may occur to livestock which is picked up and removed from the highways and highway right-of-ways and impounded, or which may be sold under the provisions of this article.

§ 69-13-115. Fees Required for Removal; Penalty.

Any person who wrongfully removes impounded livestock from the enclosure provided by the board of supervisors under this article, without paying all fees and assessments against same, shall be guilty of a misdemeanor and, upon conviction, shall be punished as in other cases provided.

§ 69-13-117. Construction.

This article is cumulative and in addition to all other livestock laws and does not repeal any presently existing laws with reference to the powers and duties of the county ranger of the law on estrays. This article shall be liberally interpreted in order to accomplish its purpose and it shall not be interpreted to repeal any law unless specifically so provided herein.

§ 69-13-201. Short title.

This article shall be known as the "Highway Fencing Law."

§ 69-13-203. Legislative intent.

It is the intent of this article to vest the boards of supervisors of the several counties of the state with broad discretion and power of determining the location and types of fences and cattlegaps on the highways referred to in Section 69-13-205.

§ 69-13-205. Authority and responsibility of supervisors.

The respective boards of supervisors of the several counties of the state, in their discretion, are authorized and directed to erect, construct and maintain suitable fences and cattlegaps along the right of ways of United States Highways and state designated highways to prevent livestock from running at large as provided hereinafter. However, nothing in this article shall apply in any county coming under the state stock law.

The board of supervisors in any county having voted to come within the provisions of the statewide stock law, may maintain any fence or fences constructed under the authority of this article from any funds not public funds, donated by any person, firm or corporation for said purposes and further, may receive and accept funds from the Mississippi State Highway Commission for the relocation of said fence or fences required by said commission. In its discretion and in the alternative, said board may authorize any person, firm or corporation to maintain said fence or fences.

§ 69-13-207. Authority to levy tax.

The boards of supervisors in said counties are hereby authorized and empowered in their discretion to levy a tax on the taxable property in said counties lying outside municipalities not exceeding two mills per annum thereon for the purpose of paying the cost of construction and maintenance of such fences and cattlegaps. In order to raise additional revenue for the purpose of paying the cost of construction and maintaining such fences and cattlegaps, the board of supervisors in those counties which have heretofore elected not to come under the statewide livestock law may in their discretion levy a tax against the owners of cattle



permitted to roam at large in the amount of twenty-five cents (25¢) per head for cattle located in the respective counties in which an election has carried.

§ 69-13-209. Election prior to tax.

Before said board of supervisors is authorized to levy the aforesaid tax or erect such fences, it shall first be necessary that an election be held in each of such counties in accordance with the laws governing general election so far as possible to determine by majority vote of those voting in such election whether such tax shall be levied or such fences erected. And in said election only those electors outside the corporate limits of municipalities shall be eligible to vote. In the event the election is carried, such boards are authorized to construct such fences by use of convict labor, the funds derived from such tax, and with such aid as may be donated or contributed in material, labor or funds toward the erection of said fences and cattlegaps. In the event that the tax be not authorized at such election the board may nevertheless, in their discretion, erect such fences and cattlegaps by use of convict labor and such donations of labor, funds or materials as may be available, but shall not use public funds therefor.

In addition thereto, the counties bordering on the Gulf of Mexico now authorized by law to levy and collect a sea wall tax under Section 65-33-47, Mississippi Code of 1972, may use such proceeds of this tax as required to construct and maintain said fences and cattlegaps, but not to exceed one-half (1/2) mill of said sea wall tax.

§ 69-13-211. Reimbursement for tax levy.

No reimbursement shall be made under the Homestead Exemption Law of 1946 for any tax levy made under the provisions of this article.

§ 69-13-301. Taking up, posting, and notification.

When a person shall find any horse, mule, jack, cattle, sheep, goat or hog straying upon his land, he may take up such animal, and, if the owner be known, he shall forthwith send the estray to the owner or notify him of the taking up of same. If the owner shall be unknown the person taking up such animal straying, shall forthwith post up a notice thereof, with a full description of the animal, in two public places in the supervisor's district, and at the courthouse door, for five days, at the expiration of which time, if an owner shall not have claimed the property and paid the charges allowed by law, he shall give information thereof to the ranger, or, if he reside more than ten miles distant, or if there should be no ranger, to a justice of the peace; and shall make oath before such justice or ranger that such animal was taken up straying at or on his farm or land, or the farm of which he has charge, and that the brands or marks of the animal have not been altered or defaced since the taking up.

§ 69-13-303. Valuation and description.

On receiving notice of the taking up of an estray, the ranger or justice of the peace shall issue his summons to two disinterested and competent persons of the neighborhood who, first having been sworn to value and appraise the same truly, shall value and appraise such animal and certify the valuation under their hands, together with a particular description of the kind, marks, brand, stature, color, and age, which certificate shall be returned or transmitted to the ranger within ten days to be registered.

§ 69-13-305. Registering and advertising estrays.



The ranger shall keep a book in which he shall register all certificates of estrays delivered or returned to him, and shall file the same in regular order; and without delay, on receipt of such certificate, he shall advertise the same, stating therein the name of the person by whom the estray was taken up and the description and marks thereof, and the amount of the appraisement. If the appraisement exceeds twenty dollars, he shall publish the advertisement three weeks in the nearest newspaper; and if the appraisement be less than twenty dollars, such advertisement shall be put up in three public places in the county, one of which shall be at the courthouse door. He shall also make out a correct list of all estrays in his county, and put up the same at the door of the courthouse on the first day of each regular January and July meeting of the board of supervisors, stating therein such as have been proved away or sold, or have escaped or died.

§ 69-13-307. Use by Person Taking up.

Any person taking up estrays may retain possession thereof and use and employ the same in a proper and reasonable manner until claimed or sold according to law, without being liable to the owner thereof, and shall provide such estrays with sufficient wholesome sustenance; and if an animal so taken up die or accidentally get away, the taker up shall not be answerable for the same unless such death or escape be occasioned by ill treatment or neglect. Any person taking up and using an estray under the provisions of this section shall be liable for reasonable hire for the use thereof, to be fixed by the ranger, the same to be set off against the expense of keeping said estray.

§ 69-13-309. Killing estray fit for food.

When an animal fit for food shall be taken up as an estray, and shall become troublesome, the person taking up the animal may have three disinterested citizens summoned by the ranger or a justice of the peace to appraise such estray, and he may kill the same, and pay the amount of the appraisement to the ranger or other person entitled to receive the same.

§ 69-13-311. Reporting of death or escape.

When any estray shall die or escape, the taker up shall, without delay, make report thereof to the ranger, on oath, who shall make a memorandum of the same on the margin of his book opposite the registry of the certificate of such estray.

§ 69-13-313. Selling of Estrays not claimed.

If the estray shall not be claimed and proved within the time allowed and before actual sale, the same shall be sold by the ranger at the courthouse door, for cash, after giving three weeks' notice of the time and place of sale by an advertisement put up in one of the most public places in each supervisor's district, one of which shall be at the courthouse door; and the sale may be made on the first Monday of any month, and between the hours of twelve and four o'clock of the day of the sale; and estray horses, mules, jacks, jennets, and colts over two years old, and work-oxen shall be delivered at the courthouse on the day of sale. All other estrays may be delivered on the premises of the taker up.

§ 69-13-315. Proving title and reclaiming estray.

A person claiming to be the owner of any animal taken up as an estray and posted as herein provided, may make proof of his title by his oath, or otherwise, to the satisfaction of the ranger, who shall thereupon issue his order to the person having the estray in his



custody, to deliver the same to such owner on payment of the lawful charges, to be ascertained and stated by the ranger.

§ 69-13-317. Time to Claim and Prove.

The owner of all estrays appraised at more than fifty dollars shall be allowed three months; the owners of estrays appraised at twenty dollars and not exceeding fifty dollars, shall be allowed two months; and the owner of estrays valued at less than twenty dollars shall be allowed one month from the date of the certificate of appraisal to claim and prove property to the same.

§ 69-13-319. Owner entitled to sale proceeds.

The owner of any animal sold as an estray, may apply to the board of supervisors of the county within three years, and, upon proof of title, the said board shall order the net proceeds of the sale thereof to be refunded to him out of the county treasury.

§ 69-13-321. Seizing and selling estray not delivered according to law.

The ranger may seize and sell any estray which shall not be delivered according to law, and shall be allowed for such seizure the same fees as a sheriff is entitled to for executing a writ of execution.

§ 69-13-323. Time and amount of sale; proceeds; report.

The ranger shall note the time and amount of sale in his register opposite the record of the certificate of such estray, and shall forthwith pay over to the depository of the county the net proceeds of such sale, after deducting all lawful charges; and it shall be his duty to make a full report in writing, under oath, to the board of supervisors, at each regular meeting in January and July, of the amount of money received by him on account of the sale of estrays, and a detailed statement of the disposition thereof.

§ 69-13-325. Inspection of books of ranger.

The books kept by the ranger for the registration of estrays shall be open to the inspection of every person free of charge; and, at the expiration of his office, shall be handed over to his successor; and, when filed, shall be deposited with the clerk of the chancery court of the county, who shall preserve them.

§ 69-13-327. Administration of oaths.

The ranger is authorized to administer all oaths and take affidavits necessary in the discharge of his duties.

§ 69-13-329. Authority of person other than county ranger as to estrays; fees.

A justice of the peace, where there is a county ranger, shall not have authority to do any act concerning estrays, except to take the information from the taker up and to issue the summons for the appraisers; and he shall be entitled to the same fee for such service as the ranger, to be collected and paid over by the ranger; but if there be not a ranger, a justice of the peace may perform all the duties.

§ 69-13-331. Stallion suffered to run at large may be gelded.

If any person shall suffer any stallion above the age of two years to run at large, out of an inclosure, it shall be lawful for any person to confine and geld such stallion, at the risk of



the owner; but this section shall not apply to such stallions as are usually kept up, and happen to get out by accident.

§ 69-13-333. Driving animals from land; penalty.

It shall not be lawful for a drover or other person to drive any horse, mule, cattle, hog, or sheep of another from the lands to which the same may belong, whether the same be an estray or not; but it shall be his duty, if any other such stock shall join his, immediately to halt at the nearest convenient place and separate such stock as does not belong to him or to the person for whom he may be employed; and if any person shall violate the provisions of this section, he shall forfeit twenty dollars for every offense, with costs, recoverable before a justice of the peace, by and for the use of any person who will sue for the same, and shall also be liable in damages to the party injured; and when any person employed in driving stock shall violate the provisions of this section, he and his employer shall be liable to the like penalties; but the recovery of such penalty shall not be a bar to indictment for larceny.

§ 69-13-335. Penalty on ranger for failure of duty.

For any failure of the ranger to make out and put up a correct list of all the estrays in his county, or to make his report to the board of supervisors as required, the board of supervisors may fine the ranger not less than five nor more than fifty dollars, which may be collected by scire facias and execution.

§ 69-13-337. Other Offenses and Penalties.

If any person shall take up any horse, mare, mule, jack, cattle, sheep, goat or hog as an estray, contrary to the provisions of this article; or if any person, having taken up such animal, shall fail to send it to or notify the owner, if known, or to give information to the ranger as required, or shall fail to perform any duty required of him, or shall abuse such animal, or shall use the same in an unreasonable or improper manner, so that damage shall be done to the owner, or the value of the animal be impaired; or if any person shall take or send away an estray out of this state, or shall trade, sell, or barter the same; or if any taker up shall fail to deliver said estray to the ranger at the courthouse on the day of the sale of said estray, such person shall, for every such offense, be punished as for a misdemeanor, and, in addition thereto, shall be liable to the owner for the value of the animal; and the taker up shall forfeit all compensation for taking up and keeping such estray.

§ 69-13-339. State military reservation.

(1) The Mississippi Military Department, acting through the training site supervisor at Camp Shelby, is hereby authorized and empowered to take up and impound in a proper enclosure all livestock found roaming at large upon any state-owned or leased lands comprising the state military reservation in Forrest and contiguous counties, in violation of the statewide stock law statutes.

(2) The training site supervisor shall provide a safe and secure enclosure in which such livestock shall be impounded, and will insure that such animals are cared for in a humane manner until removed for such enclosure as hereinafter provided. It shall be unlawful for any owner of livestock or any other person to remove such livestock without the authority of the training site supervisor, and such offense shall be deemed a misdemeanor.

(3) There is hereby created a statutory lien in the amount of the cost of



impounding each animal, not to exceed twenty-five dollars (\$25.00), against each head of cattle, horse or mule, and all other livestock so found upon and impounded upon the state military reservation; and in addition a lien of one dollar and fifty cents (\$1.50) per day shall accrue for the feeding and care of each animal so impounded. No animal shall be removed by its owner until the full lien is paid in cash to the training site supervisor, who shall give a receipt for such money paid and account for the same in the manner to be established by the military department. All funds collected under this section shall be forwarded to the adjutant general on or before the fifth day of each month, and such funds shall be expended under his supervision in carrying out the provisions of this section and in making improvements to the military reservation.

(4) The training site supervisor shall publish a monthly notice in one (1) newspaper having general circulation in Forrest County, the general description of the livestock impounded and held on the end of the preceding month, and said notice shall offer the lawful owners the opportunity to claim their livestock by a day and hour certain, but not less than ten (10) days, after paying the full statutory lien imposed. All animals not claimed by the designated date and hour may be sold as a herd to the highest bidder for cash within ten (10) days and a proper receipt shall be given the purchaser and the funds accounted for as provided for in the preceding subsection.

(5) This section is declared to be remedial legislation and is enacted for the purposes of protecting the personal and real property of the state military reservation known as Camp Shelby from livestock illegally thereon, and enhancing the safety of members of the National Guard and other reserve military forces of Mississippi and other states which train and conduct military exercises and maneuvers on said lands; and neither the training site supervisor, nor any other public employee, shall be liable in any civil or criminal court in carrying out the provisions of this section. The purchasers of livestock under the provisions of this section shall receive a valid title, and such purchaser shall not be liable in a civil or criminal court to any person for any purchase made under this section.

§ 89-13-1. Contributions by adjoining owners.

Persons owning adjoining land or lots, or being lessees thereof for more than two years, shall be bound to contribute equally to the erection of fences on the line dividing the land or lots, if the land or lots on their respective sides be used by the owner or lessee thereof for purposes of cultivation, or for horticultural purposes, or for the purpose of pasturing cattle, horses, hogs or sheep, or if a lot be used as an inclosure for any other purpose; and each party shall be bound to contribute equally toward keeping the party fences in good repair so long as the land or lot be so used. An owner shall not be bound to contribute to the erection of a party fence, either built or to be built, or to keeping the same in repair, who may prefer to build a fence and to leave a lane on his land between himself and the adjoining owner. But the failure to erect such fence for the space of sixty days shall be deemed an abandonment of the intention to do so, and a determination to adopt the fence built, and the person so failing shall then be bound to pay his proportion of the value of the party fence.

§ 89-13-3. Enforced contributions.

If any person, being requested to do so, will not contribute his proper share of the work and furnish the requisite materials suitable for a party fence, or pay the value of his share, the person desiring to build the fence may erect or construct the whole of it, of a proper and



suitable kind, being a lawful fence, and may thereafter apply, in writing, to a justice of the peace, who shall appoint three impartial freeholders of the neighborhood to view the fence and determine what amount should be paid by the person who has failed to contribute.

§ 89-13-5. Notice and Proceedings; assessments.

The opposite party shall have five days' notice of the time of the meeting of the freeholders, which may be served as a summons is required to be, and each party may introduce evidence of the value of the fence; and the freeholders, or a majority of them, may assess the amount to be paid by the one party to the other, and shall give to the party entitled to the compensation a certificate stating the amount they assess in his favor.

§ 89-13-7. Actions for assessed amounts.

The party may maintain an action for the amount assessed by the freeholders; and the order of the justice appointing the freeholders, and the certificate of the freeholders, and proof of notice to the opposite party of the time of the meeting, shall be prima facie evidence to support the action. The amount recovered shall be a lien upon the land or lot of the defendant.

§ 89-13-9. Costs.

The freeholders each shall receive one dollar and fifty cents per day whilst discharging their duty, to be paid by the party at whose instance they were appointed, who may recover the amount as costs, and the justice shall be entitled to fees as in other cases.

§ 89-13-11. Contribution towards existing fence.

In case any party fence has been already built, and the adjoining land be used by the owner thereof for any of the purposes set forth in Section 89-17-1, the party who built the same shall in like manner be entitled to compensation, to the extent that ought to be contributed by the owner of the adjoining land, and in case of refusal to pay the same, the amount may be assessed and a recovery had in the same manner as for erecting a new fence.

§ 89-13-13. Repair expenses.

Each proprietor of land or lots separated by a party fence, shall be bound to contribute his due proportion of labor and materials for keeping the fence in good repair, so far as to make it a lawful fence; and contributions for that purpose may be enforced as above provided.

§ 89-13-15. Ownership; consent for removal.

A party fence will be owned jointly by the respective proprietors, either of whom may require the other to contribute to repairing it, but it shall not be taken away, razed, removed, or left down by either party without the consent of the other; and if either party violate this provision, he shall be liable to the action of the other, and be subject to such penalties as a stranger would be.

However, a party shall not be bound to contribute towards keeping a party fence in repair, after he shall have ceased to use the land which is divided by it.

§ 89-13-17. Departure from dividing line.

When, from natural obstacles, it shall be impracticable to erect the entire fence on the dividing line, and it be necessary to make a departure on either side, such departure may be made, but the fence shall, notwithstanding, be a party fence.

§ 89-13-19. Removal and abandonment.



In case a joint-owner of a party fence shall desire to have a lane on his land, between his own and the adjoining land, he shall be at liberty to remove his part of the fence, on giving six months' notice to the other joint-owner, and not otherwise; but any proprietor who may remove from his land, and cease to use it for any of the purposes before mentioned, shall thereby abandon his right to the party fence.

§ 89-13-21. Sale of land; contribution by lessee.

In case of the sale of the premises to another person, the purchaser shall have the same right and incur the same liabilities as the original owner, in regard to the party fence. A lessee for a longer time than two years shall stand in the attitude of a purchaser during his term; but if the lease be for two years, or a shorter time, the owner shall be bound to contribute towards the erection and repair of the party fence, if either the owner or the tenant use the land; and in such case, the notice served on the tenant, if the owner be absent, will be sufficient.

§ 89-13-23. Refusal to pay share; adoption.

The person who built the party fence may remove it at pleasure, if the owner of the adjoining land will not pay his proportion thereof; and although the proprietor of any land may desire to retain any fence built by him on a line which divides his land from that of another person, as a private fence, yet that other person may adopt the same as a party fence by paying his proportion of the value thereof; and if the value cannot be agreed upon by the parties, the person desiring to adopt the fence may apply to a justice of the peace to appoint freeholders to assess the proportion that should be paid, as in other cases.

§ 95-5-23. Opening, injuring or defacing structures.

If any person shall put down any fence or bars, or open any gate, not his own, and leave the same down or open, without the permission of the owner, or shall in any manner injure or deface any bridge, building, or other structure not his own, he shall pay to the owner twenty dollars for every such offense, and shall be liable for all damages that may have resulted from such act.

§ 97-17-89. Theft or destruction; vegetation.

Any person who shall enter upon the closed or unenclosed lands of another or of the public and who shall willfully and wantonly gather and unlawfully sever, destroy, carry away or injure any trees, shrubs, flowers, moss, grain, turf, grass, hay, fruits, nuts or vegetables thereon, where such action shall not amount to larceny, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned not exceeding six (6) months in the county jail, or both; and a verdict of guilty of such action may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny, but shall warrant a conviction under this section.

