

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

433.117 Legality of distress determined in replevin action.

Sec. 17.

The defendant in any action brought for rescuing beasts distrained or impounded, shall not be allowed to allege or give in evidence the insufficiency of the fences, or any other fact or circumstance to show that the distress or impounding was illegal; but if there is any ground of objection to the proceeding, of which he is entitled to avail himself, he may have the advantage thereof in an action of replevin, to be brought as provided in the following sections.

History: R.S. 1846, Ch. 125 ;-- CL 1857, 5062 ;-- CL 1871, 6783 ;-- How. 8371 ;-- CL 1897, 10704 ;-- CL 1915, 14795 ;-- CL 1929, 9077 ;-- CL 1948, 433.117

Compiler's Notes: Former sections 18 to 22 of R.S. 1846, Ch. 125, pertaining to replevin of beasts distrained, were repealed by Act 267 of 1945.