

one, for stock of any kind to run at large upon any land belonging to any person other than the owner of such stock, whether such land be enclosed or unenclosed, within the limits of said county.

Take up and impound.

Give public notice.

SEC. 4 *And be it enacted*, That if any owner of any real estate, or tenants having the same rented or leased, shall find any cattle, hogs or other stock not belonging to such owner of real estate or such tenant, trespassing upon the land of such owner or upon the land rented by such tenant, it shall be lawful for such owner of real estate or tenant to take up and impound the same; and any person so taking up and impounding any stock shall notify a justice of the peace of the election district in which such stock is impounded, who shall give notice of such impounding of stock by public notice set up at two or more public places in the district in which such stock is impounded, and that the same will be sold within ten days, unless the owner or owners of such stock shall come forward and claim the same; and if the owner or owners of such stock shall claim the same within ten days from the date of the notice of such impounding, he or they shall have the property returned to him or them upon paying all expenses of keeping, and all costs incurred by the impounding of such stock, and the sum of twenty-five cents for taking up each of said stock, the cost of keeping such stock during the time it is so impounded to be determined by the said justice of the peace.

Claim actual damage.

SEC. 5. *And be it enacted*, That if any owner or renter of real estate as aforesaid, who shall take up any stock found trespassing upon his or their land, shall claim any actual damage sustained by him or them by reason of the trespass of the stock so impounded, and the owner of the stock and the person taking up and impounding the same cannot agree as to the amount of such damages, the justice of the peace, upon application of either party, shall issue a summons directing some constable to summon three disinterested persons to value said damages, under oath, and the amount of damages returned by a majority of such appraisers shall be paid by the owner of the stock before having the property returned to him or them; and if the owner of such