

said county, the owner of such land, his agent, tenant or overseer may consider them as trespassing and may distrain them by impounding them in an enclosure; and it shall be the duty of the person making such distress to deliver, on oath, over his own name and with the date of such distress, a description in writing of the horses, hogs, sheep or black cattle distrained, with their natural and artificial marks, within five days after making the distress, to some justice of the peace who shall reside nearest to the place where the distress has been made; and the justice shall file the same among the papers of his office and give a copy thereof over his own signature to the person making the distress, and such person may sell the said horses, hogs, sheep or black cattle, or so many thereof as may be necessary to pay the sum of two dollars on each and every head for each day's trespassing as aforesaid.

P. L. L., 1888, Art. 12, sec. 221. 1878, ch. 108.

515. The person making the distress and selling as aforesaid, shall, before making such sale, give notice of the time and place thereof, by public advertisement set up at three or more public places in the neighborhood where such trespass was made, and setting forth in such advertisement the certified copy of the justice of the peace, giving the natural and artificial marks of said horses, hogs, sheep or black cattle.

P. L. L., 1888, Art. 12, sec. 222. 1878, ch. 108.

516. Any person owning, or having a part ownership in said horses, hogs, sheep or black cattle, may redeem the same at any time before the sale thereof, by paying the damages aforesaid, and all the costs.

P. L. L., 1888, Art. 12, sec. 223. 1878, ch. 108.

517. Any person making a sale under the provisions of the foregoing sections of this sub-title of this article, shall return to a justice of the peace of the county, a statement showing the number of horses, sheep or black cattle sold, and the amount sold for, and after deducting the damages and costs, shall pay over the surplus to said justice, to be retained by him for the use of the original owner of such horses, hogs, sheep and black cattle; and if any remain unsold they shall be treated as estrays under the public general laws of this State.

P. L. L., 1888, Art. 12, sec. 224. 1878, ch. 108.

518. If any person residing in said county shall claim any right and ownership to or in any horses, hogs, sheep or black cattle distrained as aforesaid, he shall, before some justice of the peace of the county, make oath that the same are *bona fide* his property, and that he did not acquire said right to, or ownership therein, for the purpose of defeating or evading the provisions of the five preceding sections; and on his making such oath the justice shall certify the same under his hand and seal; and the said owner, on presenting said certificate to the person having made the distress, shall be entitled to have delivered over to him the property so taken.