

WHEREAS an inconvenience is found from the want of a regular mode prescribed by law, whereby strays of the aforesaid description may be taken up, and compensation made for the injury done by said strays; therefore,

Preamble

2. BE IT ENACTED, by the General Assembly of Maryland, That whenever any black or horned cattle shall break into any enclosure, or otherwise be found trespassing and astray, the party aggrieved, or owner or occupier of the land whereon such stray shall be found, may forthwith and immediately thereon procure from a justice of the peace, or a justice of the levy court, a warrant directed to two such disinterested judicious persons as one of the justices aforesaid shall appoint, to appraise and value the stray cattle as aforesaid upon oath, at the true value thereof in money, according to their best judgment, and to administer an oath unto them for that purpose accordingly, which warrant and oath, either of the justices aforesaid are hereby respectively authorised to issue and administer; and it shall further be the duty of the persons so as aforesaid authorised, to make out a certificate of the valuation by them affixed, together with a description of the stray beast, setting forth its age, colour and marks, natural and artificial, which certificate and warrant shall, within fifteen days from the date of the warrant, be, by the party taking up such stray, lodged with the clerk of the county, who shall enter the same in a book for that purpose to be kept, for which he shall be paid, at the time of receiving the certificate, twenty-five cents; and the person so taking up shall also cause an advertisement, giving a description of such stray, to be set up at the most public places within his neighbourhood, or publish the same in some news-paper, within the time afore limited for the return of the warrant; *Provided nevertheless*, that no beasts belonging to persons of the neighbourhood where they shall be found, and which are not more than seven miles from their owners dwelling, shall be considered as strays under this act.

Stray cattle to be appraised, &c.

Provide.

3. AND BE IT ENACTED, That if the owner of any such stray beast appear within one year next after such notice of the taking up given to the county clerk as aforesaid, and make out his right and title thereunto, by the testimony of one witness, before any magistrate, he shall have restitution of the same, or the value thereof, allowing and paying twenty five cents for entering the warrant and certificate as aforesaid, together with such necessary charges as shall have arisen in keeping, notifying, appraising, and necessary travel respecting the business, to be liquidated and adjusted by some justice of the levy court, or justice of the peace, of the same county, in case of disagreement between the owner and finder; and if no owner appear within one year as aforesaid, then such strays shall be and remain to the finder, he being still answerable to the owner for the valuation as before affixed, after deducting the charges as before allowed, if such beast be converted to the benefit of said finder, either by selling or killing the same; provided however, the owner make demand thereof in three years from the end of the one year first mentioned.

Owner to have restitution, &c.