

such cases the said persons shall cause copies of the certificate of the justice of the peace to be set up at three of the most public places in the neighborhood where found.

4. If the owner of an estray demands it, and shall prove by one credible witness examined before a justice of the peace of the county his title thereto, the same shall be delivered to him on his paying the expenses incurred by the person taking up such estray and keeping the same, including the costs of advertising.

Art 36, s 4  
1769, c 18, s 2  
How owner  
may prove, and  
when delivered  
to owner

5. If no person claims an estray within three months after the same shall have been advertised as aforesaid, then the person taking up the same shall apply to a justice of the peace of the county, who shall, upon being satisfied that the notices hereinbefore directed have been given, order him to sell the same at public sale on ten days' notice, to be set up at three of the most public places of the neighborhood, and after deducting from the proceeds of sale, all expenses incident to taking up, keeping, advertising, and selling such estray, the residue shall be retained by the person selling the same, unless the owner of such estray shall, within twelve months from the time of sale, claim such residue, and prove before some justice of the peace that he is entitled thereto.

Id s 5  
1769, c 18, s 2  
When to be  
sold

How proceeds  
disposed of.

6. If any person shall take up an estray of the value of ten dollars, and shall fail to comply with the provisions of the preceding sections, he shall forfeit and pay ten dollars, and also forfeit his interest in such estray to any one who will sue for the same.

Id s 6  
1769, c 18, s 3.  
Penalty for  
neglecting to  
advertise.

7. Any person aggrieved by the trespass upon his inclosure of any cattle, hog, goat or sheep, may impound the same, and have the damages sustained by the trespass, valued on oath by two disinterested citizens of the county; and unless the damages and reasonable compensation for feeding the property impounded are paid or tendered to him, may, at the expiration of ten days (exclusive of the days he impounded the same and the day of sale), proceed to make sale thereof at public auction to the highest bidder for cash; and after deducting from the proceeds of such sale the amount of damages valued to him, and a reasonable compensation for keeping said property while impounded, he shall pay over the residue, when demanded, to the owner of the said property or his agent. The provisions of this section shall not apply to Caroline, Wicomico, Garrett, Montgomery, and Prince George's counties.

1874, c 315  
Damages, where  
person ag-  
grieved by  
trespass of  
cattle.

Proceeding if  
damages, etc,  
not paid

1874, c 315  
To what coun-  
ties not to apply

8. The person impounding, before making such sale, shall advertise not less than eight days before the sale, at three of the most public places of his neighborhood, a description of the property impounded, and the time and place of sale—and shall therein warn the owner to come forward and pay the damages and compensation for keeping the same, and take his property.

Art 36, s 8  
1832, c 157, s 2  
Person im-  
pounding to  
advertise de-  
scription of  
property, etc

9. If any cattle, horses or sheep, trespassing upon the inclosures of any person in this State, be distrained, *damage feasant*, the owner of which is known, and the owner or owners thereof do not tender compensation for the damage sustained by such person within five

1870, c 409  
Proceeding  
where cattle  
distrained,  
*damage feasant*,  
the owner of  
which is known