

owner of which is not known, trespassing upon the said enclosed premises, shall immediately, or within a reasonable time thereafter, cause a notice to be inserted in some newspaper published in the county where such estray is taken containing a description of the same and the location of the enclosure upon which such estray was taken and the name of the owner or occupant thereof, and cause written or printed copies of such notice to be set up in not less than three public places in the neighborhood.

1888, art. 34, sec. 2. 1860, art. 36, sec. 3. 1882, ch. 162.

2. If there be no newspaper published in the county where such estray shall have been taken up, or if the value thereof shall not exceed fifteen dollars, the newspaper publication provided for in the foregoing section may be omitted; provided written or printed notices be given as required by section 1 and that the valuation of the estray be ascertained by appraisement and in good faith by the person taking the same.

Ibid. sec. 3. 1860, art. 36, sec. 4. 1796, ch. 18, sec. 2. 1892, ch. 593.

3. 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 upon his paying the expenses incurred by the person taking up and keeping the same, including the cost of advertising.

Ibid. sec. 4. 1860, art. 36, sec. 5. 1769, ch. 18, sec. 2. 1892, ch. 593.

4. If no person claims an estray within thirty days after the same shall be so advertised as aforesaid, then the person taking up the same shall apply to a justice of the peace of the county, who upon being satisfied that the notices heretofore directed have been given, shall order him to sell the same at public auction 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 the same, the residue shall be retained by the person selling the same, unless the owner of such estray shall within twelve months from time of sale claim such residue and prove before some justice of the peace that he is entitled thereto.