

taken up by a Constable, he shall give notice of said impounding by advertisement in at least two public places by either written or printed notice posted within that part of said district specified in this act, describing the stock so impounded, and he shall proceed to sell said stock at public auction, for cash, after giving ten days' notice from the time of taking up of said stock; provided, the owner shall have the return of said stock on paying all of the expenses of keeping said stock and all other costs, including fifty cents for taking up each of said stock.

Give notice.

SEC. 3. *And be it enacted*, That if any person shall take up any stock, such person shall impound the same and shall at once notify the Constable, who shall immediately proceed to give the notice and make the sale in the same manner as provided in the second section of this act; and the owner of said stock shall have the return thereof, on the said conditions as provided in that section; and for making a sale under this section the Constable shall be allowed the same commissions now allowed by law for the sale of personal property under execution; this provision for commissions not to apply to sale of stock taken up by the Constable himself.

Manner of proceeding.

SEC. 4. *And be it enacted*, That the said Constable thus authorized to make sale of such stock, if not returned to the owner as aforesaid, shall, out of the moneys arising from such sale, first pay the person or persons taking up the stock, and the costs, charges and expenses incurred, and damages sustained by the person or persons upon whose land said stock was trespassing; said damages to be ascertained upon the oath of two disinterested sworn appraisers, and the balance, if any, to the owner or owners of such stock; and should no one claim said balance as owner, within sixty days of said sale, the Constable shall