

est the place where such distraint shall be made, and the justice of the peace to whom such description shall be delivered on oath or affirmation as aforesaid, shall file the same among the papers of his office, and the said justice of the peace shall give a certified copy of the description over his own signature to the party or parties making the distraint, and it shall be lawful for the person or persons to proceed to sell the said horses, hogs, sheep or black cattle, or so many thereof, as as may be necessary to pay the sum of fifty cents on each and every head of horses, hogs, sheep or black cattle, for every day trespassing as aforesaid, *Provided*, that the person or persons, thus authorised to sell, shall give six days notice of the time and place of such sale by a public advertisement set up at three or more public places in the neighbourhood where such distraint shall be made, and provided the said advertisement shall set forth the certified copy of the justice of the peace, giving the natural and artificial marks of the said horses, hogs, sheep and black cattle, and *Provided* further, that any person may redeem the said horses, hogs, sheep, or black cattle, by paying the damages as provided in this section, with all costs arising on the same before the day of sale.

Sec. 4. *And be it enacted*, That it shall be the duty of all persons making a sale under the provision of the third section of this act, to return to a justice of the peace a statement setting forth the number of horses, hogs, sheep, and black cattle sold, and the amount sold for, and after deducting the damages and cost, shall pay over all surplus money arising from such sale or sales to the said justice of the peace, to be retained by him for the use of the original owners of such horses, hogs, sheep, and black cattle.

Sec. 5. *And be it enacted*, That if any horses, hogs, sheep or black cattle, shall remain unsold, they shall be considered and treated as estrays under the existing laws of this State.

Sec. 6. *And be it enacted*, That in all cases where any person or persons residing in Allegany county, may claim right and ownership to any horse, hog, sheep, or black cattle, distrained, such person or persons thus claiming shall before some justice of the peace, make oath or affirmation as the case may be, that the said horse, hog, sheep, or black cattle, is bona fide his property, and that he did not acquire right thereto for the purpose of defeating the provisions of this law to prevent trespass, west of Savage river in Allegany county, and on making such oath or affirmation, the justice of the peace before whom such oath or affirmation is made, shall certify the same under his hand and seal, and the owner or owners of any horse, hog, sheep, or black cattle,