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st An Act concerning Estrays.

Sec. 1.

Be it enacted by the people of the State of Illinois
Represented in the General Assembly, That every
Person who shall take up any ~~stray~~ horse Mare or
~~cow~~ ^{horse or cow} shall within ~~five~~ ^{nineteen} days take the same before
some Justice of the Peace of the County where such
Estray shall be taken up and make oath before
such Justice, that the same was taken up at
his or her plantation ~~or~~ place of residence
in said County and that the marks or brands
have not been altered since the taking up.
The said Justice shall then issue his warrant
to three disinterested House keepers in the neigh-
borhood unless they can be otherwise had caus-
ing them to come before him to appraise said
Estray after they or any two of them being sworn
to appraise such ~~Estray~~ without particular
favor or affection, which appraisement together
with the marks brands ~~the~~ colour & age of such
horse Mare or ~~cow~~ ^{which} shall be entered in a
book to be kept by such Justice and certified
under his hand and transmitted to the Clerk
of the County Commissioners Court of such
County within ~~seventeen~~ days after the same
is taken up. And any Person who shall take
up any head of meat Cattle, sheep ~~hog~~ or goat
shall cause the same to be viewed by some
House keeper of the County where the same shall
happen and shall immediately go with such house
keeper before a Justice of the County and make
oath before him as is required in taking up an
Estray horse Mare or ~~cow~~ ^{which} and then such
Justice shall take from such house keeper
upon oath a particular description of the
marks brands colour and age of every such
meat cattle sheep ~~hog~~ or goat, and such Justice
shall cause the said Estrays to be appraised
in like manner as is required to be done in case
of a horse Mare or ~~cow~~ ^{which} description and
valuation shall be entered by such Justice in
a book to be kept by him as aforesaid

and by such justice transmitted to the Clerk
of the County Commissioners Court of ~~the~~ County
to be by him kept as before directed and every
such Clerk shall cause a copy of such description
and valuation of every neat cattle sheep hog and
goat to be publicly affixed at the Court house
door of his County within five days after the same
shall be transmitted to him as aforesaid for which
he shall receive the same fee as for entering the same
in a book. Provided, that if two or more estrays of the
same species are taken up by the same person at the
same time they shall be included in one entry and
one advertisement and in such case such Justice
and Clerk shall receive no more pay than for one
of such species. Provided also that no person shall
be allowed hereafter to take up and post any head
of neat cattle sheep hog or goat between the month
of April and the first day of November unless the
same may be found in the lawful fence or on
closure of the same having broken in the same.

~~And for a reward of taking up there shall be~~
paid by the owner One Dollar for every horse mare
~~or colt~~ ^{or mule or ass} and for every head of neat cattle Fifty
Cents and for every hog sheep or goat Twenty five
cents, to gather with all reasonable charges -

~~And every person taking up an estray horse, mare or
colt shall within two months after the same is ap-
pealed provided the owner shall not have claimed his~~
~~deposit with Clerk of County Com. Court~~
property during that time shall transmit to the ~~the~~ ^{Publ. Printer of the State}
~~and add to the publick newspaper a particular descrip-~~
tion of such estray or estrays, and the valuation thereof
together with the name of the county and place of res-
idence, certified by the Clerk of the county commissioners
court or justice of the peace before whom such estray or
estrays was appraised, to be advertised three weeks in

~~said newspaper.~~ And if no owner appears and proves
his property within two years after such publication, the
property shall be vested in the taker up, nevertheless the
former owner may at any time thereafter, by proving
his property recover the valuation money

Sec^d And if any person shall trade, sell, or take away any such
estray or estrays ~~out~~ of the state, for any purpose what
ever, before the expiration of said two years. he or she
so offending, shall forfeit and pay the sum of one hundred
and fifty dollars, to be recovered by any person suing for
the same in any court of record within this state having
cognizance thereof, the one half to the informer and
the other half to the County Treasury. And where
the owner of any stray shall be of real cattle
sheep, hog or goat does not prove his property
within twelve months after the same has been
published at the door of the Court House
as aforesaid and when the valuation does
not exceed Five Dollars, the property shall be
vested in the taker up, but when the valuation
shall exceed Five Dollars, and no owner ap-
pears within the time aforesaid the property
shall also be vested in the taker up. Neverthe-
less the former owner may at any time by
proving his property recover the valuation
thereof. And it shall not be lawful for any
person to take up any stray (except such as shall
be herein after excepted) unless he shall be a
freeholder or a housekeeper. Any person find-
ing an stray horse, mare, or colt running at large
^{any of} without the settlements of this state may take up
the same, and shall immediately take such stray
or strays before the nearest justice of the peace
and make oath that he has not altered the
marks, or brands of such stray or strays, since
taking up; and if such taker up shall be a free
holder or housekeeper within that county, it may
and shall be lawful for him to post such stray
or strays as herein before directed in this act;
as if the same had been taken up on his plant-
ation or place of residence — And when the
taker up shall not be qualified as aforesaid, he

I shall take the oaths before required and deliver
such Estray or Estrays to the said Justice who
shall cause the same to be dealt with as is
directed by this Act, but if no owner appears to
prove his property within one year such Estray or
estrays shall be sold to the highest bidder giving
public notice of such sale two months previous
thereto, and after paying the latter up all reason-
able charges, the balance shall be put into the
County Treasury by the said Justice who shall
take a Receipt for the same from the County
Treasurer. Nevertheless the former owner at any
time within three years after taking up his property
before the County Commissioners Court
of said County and obtaining a Certificate
thereof from the Clerk of said County to the
Treasurer shall receive the balance aforesaid
Sec. 5. And when any Justice shall fail to pay any
Money for any Estray or Estrays to be sold ac-
cording to this Act into the County Treasury
within three months after selling such Estray or Estroy
such Justice shall forfeit and pay the sum
of Twenty Dollars, with costs to be recovered by
action of debt before any Justice of the Peace
of the County or other Court having jurisdiction
thereof, the one half for the use of the County
and the other half for the use of any person
paying for the same, and moreover be liable
to pay the price of such Estray or Estroys with
interest thereon.

Sec. 6. If any Estray or Estrays taken up as aforesaid
shall die or get away before the owner shall claim
his or her right the taker up shall not be liable
for the same, and if any person shall take
up any Estray or Estrays at any other place within
the inhabited parts of this State than his or her
plantation or place of residence or without

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be any qualified as required by this Act be shall
forfeit and pay the sum of Ten Dollars, with
costs recoverable before any Justice of the Peace
of the County where the offence shall have
been committed and not having property
sufficient to pay such fine he shall be liable
to be confined one Month in the Jail of the
County where he may be found, until being
found guilty of said offence, according to Law
And any person taking up any Esarry or
strays out of the limits of the Settlements
of this State and failing to comply with the
requirements of this Act shall liable to the
same penalties. And if any person taking up
any Esarry or strays of any species fails to com-
ply with the requirements of this Act he shall
for every such offence forfeit and pay to
the informer the sum of ~~one~~ ¹⁰ Dollars, with
costs recoverable before any Justice of the
County where such offence shall be com-
mitted

Sec. 7. The County Commissioners Court in
each County in this State, shall cause
a pound or strong pen, to be erected at or
near the Court House, within three months
after the place of erecting the public buildings
shall be fixed upon, and as often there-
after as may be necessary with a good
and sufficient post & Rail fence, gate,
lock and key, wherein all stray horses
mares, cattle, bulls or asses, taken up within
the County, shall be exhibited as aforesaid
And the County Commissioners failing to
have such pound or strong pen erected & kept
in suitable repair, shall severally forfeit
and pay the sum of ten Dollars for each

& term of the Circuit Court which may be held
after the time for building the same shall have
elapsed, until the same shall be erected
and since such pound or stray pen is
erected no person taking up any estray
horse mare or colt mule or ass as aforesaid
shall be liable to any penalty for not ex-
hibiting the same.

Sec. 8.

The County Commissioners Court in each
County in this State shall employ some fit
person to take charge of all such pounds
or stray pens as may from time to time be
erected in their several counties, whose duty
it shall be to take charge thereof and
to keep the same in repair and also to at-
tend on the several court days during the
time said estrays are directed to be kept
therein with the key of the same and the
said Commissioners Court shall make such
reasonable allowance for erecting & keeping
said pound or stray pen, as to them shall
seem proper to be paid out of the County
treasury in like manner as other County
Charges are liquidated and paid and any
person being employed and undertaking
to take care of such pound or stray pen
and failing in his duty agreeably to the direc-
tions in this act contained shall forfeit and
pay the sum of ten Dollars with costs to be re-
covered before any justice of the Peace, the one
half whereof shall go to the person suing
for the same and the other half to be borne

Sec. 9. It shall be the duty of the taker up
of any Estray horse, mare colt ass or mule
to cause the same to be exhibited on

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the first day of the next Term of the next
Term of the Circuit Court of the County
succeeding the time at which such Esroy shall
be taken up from ten O'clock A.M. until
four O'clock P.M. of said Day that the owner
may have an opportunity of reclaiming his
property.

Sec 10

that of any person shall hereafter stop
or take up any keel or flat boat ferry-plate
barca, pirogue, canoe, or other vessel or water
craft found a drift on any water course
within the limits or upon the borders of this
State and the same shall be of the value
of five Dollars or upwards it shall be
the duty it shall be the duty of such
person or persons within four days
thereafter (provided the same shall not be
before that time proven and restored
to the owners.) to go before some Justice
of the peace of the proper County and
make affidavit in writing setting forth
the exact description of such vessel or
craft when and where the same was found
whether any and if so what cargo was found on
board and that the same has not been
altered or defaced either in the whole or in
part since the taking up either by him her
or them or by any other person or persons to
his her or their knowledge and the said
Justice shall thereupon issue his warrant di-
rected to some constable of his ~~township~~
County commanding him forthwith to summon
three respectable householders of the neighbor-
hood if they cannot otherwise be had whose
duty it shall be after being sworn by said
Justice to proceed without delay to examine
and appraise such Boat or Vessel & cargo if
any and make report thereof under their
hands and seals to the justice issuing said
warrant who shall enter such appraisement
together with the affidavit of the taking up at
large in his esroy book and it shall be the

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further duty of such justice within ten days after
the said proceedings shall have been entered
on his stray book as aforesaid to transmit a
certified copy thereof to the Clerk of the County
Commissioners Court of his County to be by him be-
conceded in his stray book and filed in his
office.

See # 11.

In all cases where the appraisement of
such Boat or water Craft including her cargo
shall not exceed the sum of Twenty Dollars the
taker up shall advertise the same on the door
of the County house and in three of the most
public places in the County within ten days after
the Justice's sale Certificate shall have been
entered on the Records of the County Commissioners
Court and if no person shall appear to prove
and claim such boat or water Craft within
six months from the time of taking up as aforesaid
the property in the same shall vest in the
taker up: but if the value thereof shall exceed
the sum of Twenty Dollars it shall be the duty
of the Clerk of the County Commissioners Court
within twenty days from the time of the reception
of the Justice's sale Certificate at his office to
cause an advertisement to be set up on the
door of the Court house and also a Notice
thereof to be sent to the Public Printer as
aforesaid who shall publish the same as
aforesaid and if the said vessel be not claimed
and proven within ~~six months~~ six months from
said advertisement the same shall be sold
in the taker up, Nevertheless the former owner
may at any time thereafter recover the valuation
money by proving his property allowing to the
taker up a reasonable compensation for
his trouble, and costs & charges.

Sec. 12.

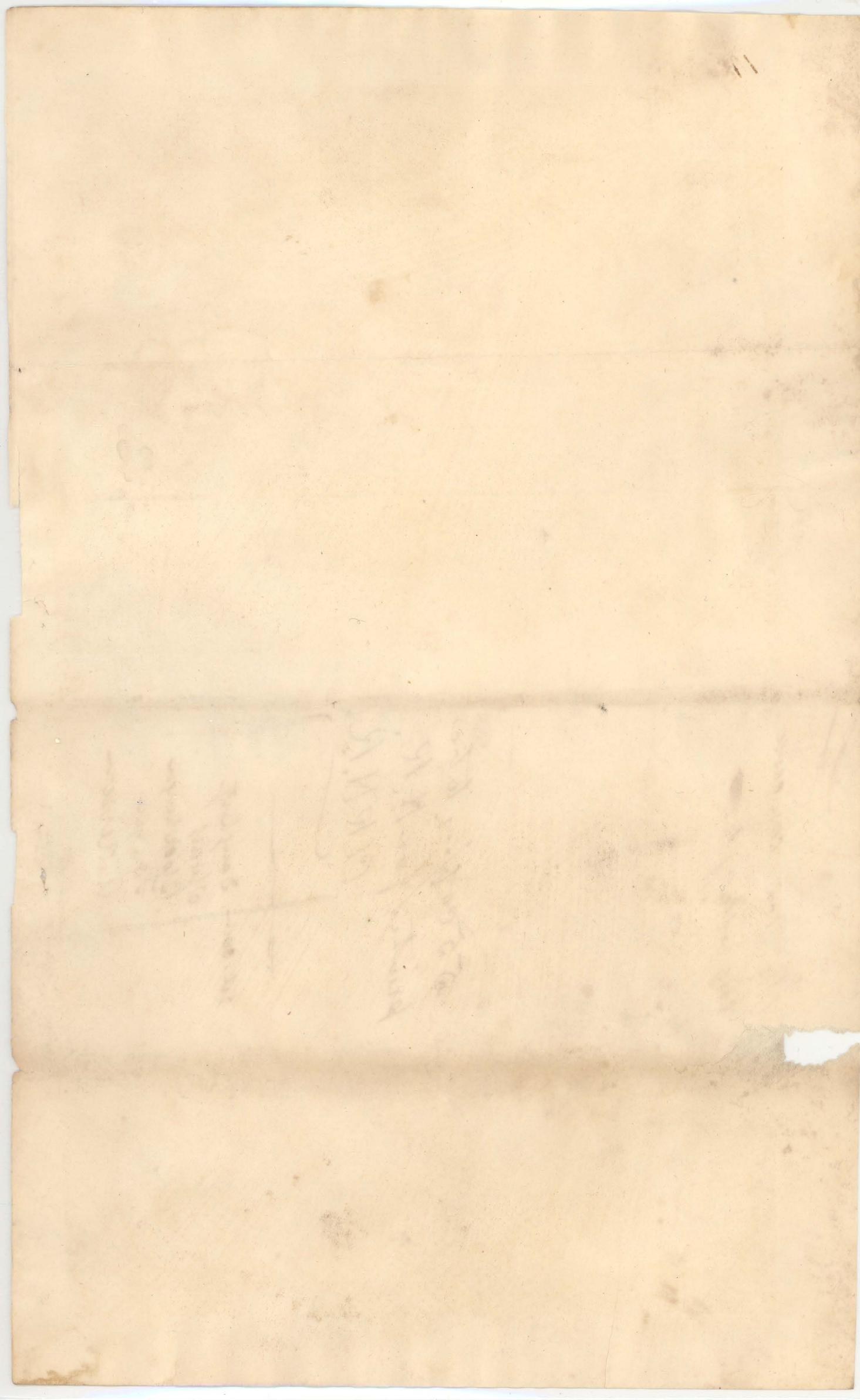
9.

In all cases where services shall be performed by any Officer or other person or persons under this act the following fees or compensation shall be allowed: To the Justice of the Peace for administering oath to the taker up or finder making an entry thereof with the report of the appraisers and making and transmitting a certificate thereof to the Clerk of the County Commissioners Court Fifty Cents. to the Clerk ^{or Justice} for taking proof of the ownership of and granting a certificate of the same Twenty Five Cents, for registering each certificate transmitted to him by any justice as aforesaid twelve and a Half Cents. for advertisements including the newspaper publications, fifty cents in addition to the costs of such publications to the Constable for each warrant service and appraisals Twenty five Cents which said fees shall be paid by the taker up to the persons entitled thereto whenever said services shall be rendered. All which costs and charges shall be reimbursed to the taker up or finder in all cases where restoration of the property shall be made to the owner in addition to the reward to which such person may be entitled for taking up as aforesaid.

Sec. 13.

If any person shall act contrary to the duties enjoined by this act for which no penalty is herein before pointed out the person so offending shall on conviction thereof forfeit and pay for every such offence not less than five nor more than one hundred Dollars to be sued for in the name of the proper County before any Justice of the peace or other Court having cognisance thereof.

The following acts viz - "an act concerning water
Crafts, found a drift lost goods & estray animals"
Approved January 31. 1827 and an Act to amend an
act concerning water Crafts found a drift, lost goods
and Estray animals approved Jan. 22. 1829 and also
an Act to amend an act entitled an act con-
cerning water Craft found a drift lost goods
and Estray animals Approved Feb. 14. 1831
be and the same are hereby repealed -
But rights, required and habitudes incurred
under the acts hereby repealed are not af-
fected or impaired by this act -



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