

A Bill

For an act concerning Estrays

Sec 1st 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 colt mule or ass shall within five days, take the same before some Justice of the peace of the county where such stray 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 housekeepers in the neighborhood (unless they can otherwise be had) causing them to come before him to appraise said stray, after they or any two of them being sworn to appraise such stray, without partiality, favor or affection, which Appraisement together with the marks, brands, stature color and age, of such horse, mare or colt mule or ass, 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 fifteen days after the same is taken up.

And any person who shall take up any head of neat cattle sheep, hog or goat, shall advertise the same, by setting up ^{or printed advertisements} written in two of the most publick places in his neighbourhood ten days before posting the same, at the expiration of said ten days he shall cause the same to be viewed by two

Disinterested house keepers of the county where the same
shall happen, and shall then go with said housekeepers before
a Justice of the peace of the county and make oath by
him as is required in taking ^{up} house; and then such Justice
shall take from such housekeepers on oath a particular
Description of the Marks brand color and age of every
such neat cattle, Sheep, hog or goat; and such Justice
shall cause the said strays to be appraised in the like
manner as is required to be done in case of a horse mare
colt Mule or ass: which description and valuation shall
be entered by said Justice in a book to be kept by him
as appraiser, and by such Justice transmitted to the
clerk of the county commissioners court of the county to be
kept by him as before directed: Provided that in all cases
where the value of such neat cattle, Sheep, goats or hogs
does not exceed five Dollars, said Justice shall not
be required to make return to the clerk aforesaid, but
shall enter in his stray book the description and appraised
value thereof. Provided, That if two or more strays of the
same species are taken up by the same persons 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. As a reward for
taking up them shall be paid by the Owner one Dollar for

every horse, mare, colt, mule or ass; and for every head of meat cattle fifty cents; and for every hog, sheep or goat twenty-five cents together with all reasonable charges

Sec 2^d. It shall be the duty of the clerk of the county commissioners court, when the description and valuation of any stray horse, mare, colt mule or ass, shall be transmitted to him by the justice as appraiser, and within ten days thereafter, make out a copy thereof, and transmit the same to the public printer of this state together with the sum of one dollar to pay the said printer for publishing said advertisement and postage on the same, which sum the taker up is required to deposit with the clerk prior to the expiration of said ten days, and it shall be the duty of the public printer to publish said advertisement, and transmit one copy of each number of his paper to each of the clerks of the county commissioners courts of the several counties of this state free of charge which shall be regularly filed by said clerks in their offices, for the examination of those who may desire it

Sec 3^d. And if no owner appears and proves his property within two years after such publication, the property shall be vested in the taker up; by his filing with clerk of the county commissioners court of the proper county, a bond with good and sufficient security in double the amount of the appraisement value of such stray, conditioned to pay the proper owner, the appraisement value thereof after deducting out all reasonable cost and charges; should the former owner prove the same within five years

Sec 4 And if any person shall trade, sell, or take out of this
^{any such stray or estrays}
State for any purpose whatever, before the expiration of
said two years, he or she so offending, shall forfeit and
pay double the Appraisment value of such stray to be re-
covered 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;

Sec 5 And when the value of any head of neat cattle, sheep, hog
or goat, shall not exceed the sum of five Dollars, the
right shall be vested in the taker up at the end of six
months; And where the ~~assessed~~ valuation does exceed
five Dollars, and the same transmitted by the Justice to the
Clerk of the County commissioners court, such clerk shall
cause a copy of such description and valuation, to be
publicly affixed at the door of his court house of his
county within five days thereafter; And should no owner
appear and prove his property within twelve months there-
after the right shall be vested in the taker up: nevertheless
the former owner may at any time, by proving his property,
^{after deducting out the lawful charges}
recover his valuation thereof. Provided if any stray or estray
taken up as afforsaid, shall die or get away before the owner
shall claim his or her right, the taker up shall not be liable
for the same.

Sec 6 The following fees shall be allowed, to wit: - To the Justice
of the Peace for administering the Oath to the taker up
and making an entry thereof, with the Report of the Appra-
isors, 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 and for 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 advertisement including
newspaper publication fifty cents, and for each
warrant served on appraisors by a Constable twenty
five cents, ^{and each appraisor twenty five cents} which fees shall be paid by the taker
up to the persons entitled thereto whenever said
services shall be rendered. All which charges and
cost shall be reimbursed to the taker up in all
cases where restitution 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 7 That part of an act concerning estrays approved
February the Ninth 1835 ^{as respects} ~~concerning~~ estray animals
be and the same is hereby repealed

Amend the title so as to Read

A Bill for the taking up and posting
estrays Animals

Passed H.R. Mch. 3. 1837.

N. Hickatt Clerk H.R.

Understand
concerned in
OK. H. R.

H. R. No. 70

Engraved

"We act in ~~the~~ ^{the} station of the
A Bill for taking
up and posting
stray animals

To be engraved
Place of engraving
OK. H. R.