

## **ARTICLE 18. GENERAL STOCK LAW.**

### **§19-18-1. Stock trespassing on grounds of another; damages.**

If any horse, mule, ass, jennet, cattle, sheep, swine, or goat shall enter into any grounds, the owner or manager of any such stock shall be liable to the owner or tenant of such grounds for any damage he may sustain thereby, and the party so injured may, if he find such stock on his premises, impound them, or a sufficient number thereof, subject to the provisions of sections eight, nine and ten of this article, until such damages and costs of keeping have been paid.

### **§19-18-2. Unlawful running at large of stock on road or railroad right-of-way.**

It shall be unlawful for the owner or manager of any horse, mule, ass, jennet, cattle, sheep, goat or hog, to negligently permit it to run at large on any public road or highway or railroad right-of-way, and should any such stock, while so negligently allowed to run at large, injure or destroy the property of another while so running at large, the owner or manager thereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than ten dollars.

### **§19-18-3. Unlawful running at large of certain male animals and swine.**

It shall be unlawful for any stallion, jack or bull over one year old, buck sheep over four months old, buck goat over six months old, or swine, to run at large, and the owner or manager of any such stock running at large shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than ten dollars.

### **§19-18-4. Unlawful running at large of stock of nonresidents.**

It shall be unlawful for any horse, mule, ass, jennet, cattle, sheep, swine, or goat owned by any person not a citizen of this state to run at large in this state.

### **§19-18-5. Liability of owner for damage by stock unlawfully running at large.**

Should any stock, while running at large contrary to the provisions of sections one, two, three or four of this article, injure or destroy the property of another, the owner or manager of any such stock shall, notwithstanding any penalty imposed by said sections, be liable to the party whose property shall have been injured or destroyed for the amount of damage sustained by him by reason of such injury or destruction. And the party so injured may, if he find such stock on his premises, impound them, or a sufficient number thereof, subject to the provisions of sections eight, nine and ten of this article, until such damages and costs of keeping be paid.

### **§19-18-6. Impounding stock unlawfully running at large.**

It shall be lawful for any person finding any stock running at large contrary to the provisions of sections two, three or four of this article, to impound such stock, subject to the provisions of sections eight, nine and ten of this article, until the costs of keeping such stock be paid.

### **§19-18-7. Forcible retaking of impounded stock; penalty.**

Any person who shall forcibly take possession of any stock impounded under the provisions of

sections one, five or six, of this article, or section one of article nineteen of this chapter, without paying the amount therein allowed the person so impounding such stock, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars.

**§19-18-8. Impounding stock when owner is known resident of state; arbitration of damages; right to sell impounded stock.**

If the owner of any stock impounded under the provisions of this article, or article nineteen of this chapter, be a resident of this state and known to the person impounding the stock, such person shall, within three days from the date thereof, serve written notice on such owner stating therein, (a) the stock impounded, setting forth the number of each kind and the natural or artificial marks of each one of every kind, (b) the date such stock was taken up, (c) the place where impounded, (d) the cause for impounding the stock, and (e) the amount claimed as damages, if any, by reason of the injury or destruction of property by such stock and the costs for keeping the same, for which such person shall be entitled to an amount not to exceed that allowed a sheriff for keeping similar stock. If the owner considers the amount claimed excessive, he shall forthwith serve written notice on the person impounding the stock that he has appointed one freeholder, naming him, to ascertain the injury and damages sustained and the costs for keeping the stock. The person impounding the stock shall forthwith appoint one freeholder, and the two thus appointed shall appoint a third. Should either party fail or refuse to make such appointment within twenty-four hours after being notified so to do, any justice of the county may do so on application of either party. The freeholders appointed shall act as arbitrators and, after being duly sworn, shall ascertain the injury and damages sustained, if any, and the costs for keeping such stock. The decision of any two of the arbitrators shall be final and shall be reduced to writing and a copy thereof furnished to each of the parties. Each arbitrator shall be allowed a fee of two dollars for his services, which shall be paid by the party against whom the decision is made. Within three days after the arbitrators have rendered their decision, or, in case no arbitration is demanded by the owner, within three days from the service of the first notice required by this section, the person impounding the stock shall advertise and sell the same as provided in section ten of this article, unless the damages and costs be sooner paid.

**§19-18-9. Impounding stock when owner is unknown or a nonresident.**

If the owner of any stock impounded under the provisions of this article, or article nineteen of this chapter, be a nonresident of this state, or is unknown to impounding such stock, such person shall, within three days from the date thereof, appear before a justice of the peace of the county wherein the stock was taken up and make and file his affidavit, setting forth therein the facts required in the first notice provided in section eight of this article and that the owner of the impounded stock is a nonresident of this state, or is unknown to the affiant, and within twenty-four hours thereafter shall advertise the impounded stock for sale and sell the same as provided in section ten of this article, unless the damages and all costs be sooner paid. Any person claiming right or ownership to such stock may appear before such justice and file his affidavit showing that he is the lawful owner of the stock or entitled to possession thereof, and, at any time before sale, upon presentation of a certificate of such justice of the filing of such affidavit and payment of the amount claimed as damages and all costs, shall be entitled to repossess his stock. If such person considers the amount claimed excessive, he shall, after filing such affidavit, forthwith serve written notice on the person impounding the stock that he has appointed one freeholder, naming him, to ascertain the injury and damages sustained and the costs for keeping the stock, the service of which notice shall stay any sale which may have been advertised prior thereto. Two other arbitrators shall then be appointed and the injury and damages and costs of keeping ascertained as provided in section eight of this article and the impounded stock

readvertised for sale within the time prescribed in said section, unless the damages and costs be sooner paid: **Provided**, That in all cases where a citizen of this state may claim right or ownership to stock impounded under section four of this article, the person so claiming shall file with such justice his affidavit showing that he is a citizen of this state, that the stock impounded is bona fide his property, and that he did not acquire right thereto for the purpose of defeating the provisions of said section four, and, upon presentation of a certificate of such justice of the filing of such affidavit and the payment of all costs other than that for the keeping of the stock, at any time before sale, shall be entitled to repossess his stock, but such repossession shall in nowise affect any right of action against the owner for damages sustained by reason of the trespass of his stock.

**§19-18-10. Sale of impounded stock; disposition of proceeds.**

The sale of stock impounded under the provisions of this article, or article nineteen of this chapter, shall be at public auction to the highest bidder for cash, and shall be advertised by posting notices thereof in three public places in the district wherein the stock is impounded at least ten days preceding the day of sale, and a copy of the first notice required by section eight of this article, or, in case the owner of the stock to be sold is unknown or a nonresident of the state, a copy of the first affidavit required by section nine of this article shall be attached to and posted with each sale notice. The proceeds of the sale shall be applied; first, to the payment of all costs incident to the sale; second, to the payment of any damages sustained and costs of keeping the impounded stock; and third, the residue, if any, shall be paid to the owner of the stock sold; if the owner be unknown and application therefor be not made within ninety days from the day of sale, the same shall be paid into the county treasury.

**§19-18-11. Entry of stock of nonresidents without consent of landowner prohibited.**

It shall be unlawful for any person who is not a resident of this state to drive, or cause, or suffer, or permit to be driven, any of his cattle, horses, hogs or sheep on any of the lands of any citizen of this state, whether such lands be inclosed or not, without permission of the owner or owners for that purpose first had and obtained.

**§19-18-12. Entry of stock of nonresidents deemed trespass; damages.**

Every entry of any such cattle, horses, hogs or sheep contrary to the provisions of section eleven shall be deemed in law a trespass by the owner, person or persons having the charge or care of such cattle, horses, hogs or sheep, and the owner of all such cattle, horses, hogs or sheep shall be liable in damages to the person or persons aggrieved, in a sum not exceeding twenty cents on each head of horses and cattle and ten cents on each head of hogs or sheep thus trespassing, for each and every day that they shall be and remain on the lands or premises of any citizen in this state, to be recovered before any justice of the peace of the county in which such trespasses may have been committed.