

give notice thereof by publication in some newspaper of the county, for four weeks successively, if one be printed therein, if not by posting up written notices in three of the most public places in the county, said notices to contain a brief description of such stray, the name and residence of the taker up, and as near as may be, the time at which it was taken up.

SEC. 4. Any person may use or work a stray, legally taken up by him, if he does so with care and moderation, and not abuse or injure it.

May work the stray.

SEC. 5. If the owner and taker up of any stray cannot agree upon the amount of damages, charges, or for the use of such stray, the matter shall be settled by some justice of the peace in the same county, upon the application of either party, with notice to the other, the cost of which adjudication shall abide the decision of the justice, and such sum as the justice shall find due the taker up, over and above the use of such stray, shall be a lien on said stray until paid by the owner.

Damages, etc., to be a lien on stray.

SEC. 6. If the owner of any stray shall fail to appear and claim the same, or to pay the damages, costs, and charges, as aforesaid, for the space of one year from and after the first publication of notice, as provided in this act, the taker up shall have a complete and perfect title to the same.

Title of the taker up, when perfected.

SEC. 7. This act shall take effect on the first day of February next.

SEC. 8. All laws now in force in this Territory, relating to strays, are hereby repealed.

CHAP. LIII.—An Act to permit certain animals to run at large.

SEC. 1. That all neat cattle, sheep, horses, (except stallions of the age of two years,) and hogs shall be permitted to run at large in this territory, at all times of the year, and the owner thereof shall not be liable for the damage which any such animal may do, unless the same be done upon enclosed ground, with a legal and sufficient fence, in which case such owner shall be liable in an action of trespass for all the damages done.

What animals may run at large.

CHAP. LIV.—An Act to restrain unauthorized banking and for other purposes.

SEC. 1. No incorporated company, without being authorized by law, shall be in any manner concerned in receiving deposits, making discounts, or issuing notes or other evidences of debt, to be loaned or put into circulation as money; and any director or other agent or officer of any incorporated company, who shall violate any provision of this section, shall forfeit one thousand dollars.

Incorporated company not to issue notes, etc., without authority.

Penalty.

SEC. 2. No person or association of persons, or body corporate, except such bodies corporate as are expressly authorized by law, shall issue any bills or promissory notes or other evidences of debt, for the purpose of loaning them, or putting them in circulation as money, unless thereto especially authorized by law; and every person and every corporation, and every member of a corporation who shall violate either of the provisions of this section shall forfeit one thousand dollars.

Issuing bills to circulate as money.

Notes, etc., given
for such bills, void.

SEC. 3. All notes and other securities for the payment of any money, or the delivery of any property, of which the consideration, or any part of the consideration, was any such bill, note, or other evidence of debt, mentioned in either of the preceding sections of this act shall be void.

Bills, notes, etc.
for less than one
dollar prohibited.

SEC. 4. No person shall pay, give or receive in payment, or in any way circulate or attempt to circulate, any bank bill or promissory note, check, draft or other evidence of debt, which shall purport to be for the payment of a less sum than one dollar, or payable otherwise than in the lawful money of the United States; and any person who shall wilfully violate any of the provisions of this section, shall forfeit one hundred dollars.

Penalties, how
recovered.

SEC. 5. The penalties prescribed in this act shall be recovered in suits in the name of the county commissioners of the county in which the offence is committed, to be prosecuted by the district attorneys of said counties respectively; and the same shall be paid into the county treasury.

Court to charge
Grand jury.

SEC. 6. It shall be the duty of the court to give this act in charge to the grand jury at each term of the district court.

CHAP. LV.—An Act to define the general powers of counties, and for other purposes.

Powers of coun-
ties.

SEC. 1. That each county shall continue to be a body politic and corporate, for the following purposes, to wit: To sue and be sued, to purchase and hold, for the public use of the county, lands lying within its own limits, and any personal estate; to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

Conveyances.

SEC. 2. All real and personal estate heretofore conveyed, or which shall hereafter be conveyed by any form of conveyance, and duly acknowledged and recorded to the inhabitants of any county, or to the county treasurer, or to any committee or other persons, for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect, as if they had been made to the inhabitants of such county by their respective corporate names.

Power of Com-
missioners.

SEC. 3. The county commissioners, or other public officers, having the charge and management of the county lands, may by their order of record, appoint agents to sell any real estate of their county; and all deeds made in behalf of the inhabitants of the county by such agents, under their proper hands and seals, and duly acknowledged and recorded, shall be sufficient to all intents and purposes, to convey all the rights, title, interest and estate whatever, which the county may then have to the lands so conveyed.

Court-houses,
jails, etc.

SEC. 4. Each county may, at the common expense of the county, provide suitable court-houses, jails, fire-proof offices, and all other necessary public buildings, for the use of the county.

Liabie for acts of
sheriff.

SEC. 5. In case of the escape of any prisoner, by reason of the insufficiency of the jail, whereby the sheriff shall be made liable to any party at whose suit such person was committed, or to whose use any forfeiture was adjudged against him, the county shall re-