

What omissions
may be supplied.

the preceding section enumerated, and all other of the like nature, not being against the right and justice of the matter of the suit, and not altering the issue between the parties on the trial, shall be supplied and amended by the court where the judgment shall be given, or by the court into which such judgment shall be removed by writ of error.

Process how
amended.

SEC. 9. No process, pleading or record shall be amended or impaired by the clerk or other officer of any court, or by any other person, without the order of such court, or of some other court of competent authority.

To what actions
this act to extend.

SEC. 10. The provisions of this act shall extend to all actions in courts of law, and to all suits for the recovery of any debt due to this Territory, or for any debt, duty or revenue belonging to it; and also to all actions for penalties and forfeitures, to all writs of mandamus and prohibition, to all informalities [informations] in the nature of a quo warranto, to writs of scire facias and to the proceedings therein.

CHAP. 11.—An Act to prevent stallions in certain cases from running at large.

Stallions not to
run at large

SEC. 1. That it shall be unlawful for the owner or owners of any stallion to permit or suffer any such stallion over two years of age to run at large on the public highways, uninclosed grounds or commons, and out of the proper enclosure of such owner or owners; and the owner or owners of any such stallion who shall permit or suffer the same to run at large contrary to the provisions of this act, shall be fined in a sum not exceeding twenty-five dollars, and not less than ten dollars for each offence, to be recovered by action of debt, together with costs of suit, in any court having jurisdiction of the same, in the name of any person who will sue therefor; the one moiety of the penalty so recovered, to be paid to the prosecutor, and the other moiety to go to the use of the proper county.

Penalty.

Liability of
owner.

SEC. 2. The owner or owners of any such stallion who shall suffer or permit the same to run at large, contrary to the provisions of this act, shall be further liable for and pay all damages which any person may sustain in consequence of such horse running at large.

Act to take of
fact.

SEC. 3. This act shall take effect on the first day of May, A. D. 1839.

CHAP. 111.—An act relating to strays.

May be taken up,
where, by whom.

SEC. 1. That no person shall take up any stray, unless such person shall be at the time, a resident of the same township, wherein such stray shall be found upon the land owned or occupied by the taker up.

Notice to owner
if known.

SEC. 2. Any person taking up any stray, shall within seven days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable damages and charges, and take such stray away.

If known, how

SEC. 3. If the owner of any stray be unknown, the taker up shall

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.