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**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

Policy for Effective Disposition of Estrays

**A Policy Research Project
Submitted in Partial Fulfillment of the
Requirements for the Professional Designation
Graduate, Management Institute**

by
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ABSTRACT

Loose livestock (estrays) are a major concern in Travis County, Texas. With the state cattle population at 14 million and horse population at 600 thousand in Texas, the estray problem creates a danger of property damage and even death on our roadways. With population growth and more cars on the roadways the problem continues to grow. The state legislature has assigned the duties to the Sheriff of each county to deal with the problem even when it occurs within a city.

The purpose of this research was to develop a policy for the effective disposition of estrays for the Travis County Sheriff's Office. My research included a review of case law, Texas Agriculture Code, Attorney General Opinions, Texas Animal Health Laws, U. S. Department of Agriculture and a survey of other counties within the state.

The research revealed that the estray problem is similar throughout the state with other counties handling them in different ways. Most counties were not aware of mandated health laws when impounding estrays. The counties surveyed were all interested in this topic and requested a copy of this paper when completed.

Implementation of this policy by the Travis County Sheriff's Office will actively address the problem with estrays. The policy addresses all the areas researched and will allow for the safe handling of estrays in accordance to the Estray Act and Animal Health laws.

RESERVE

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RESERVE

Introduction

Picture yourself driving down a dark highway at night. You top a hill and suddenly there appears a two thousand-pound bull standing in the road. This animal would be called an estray. Estrays cause injuries, deaths as well as millions of dollars in property damage each year.

Since the 1800's, livestock have roamed the unoccupied countryside of this state. The 1900's enacted laws to deal with the problems of livestock damaging crops at the expense of others. These laws were, by statute, given to the responsibility of the Sheriff of each county to deal with.

As time continued, the state developed, cities grew and highways were built. Transportation progressed with the development of the automobile. Now we have fast cars, fast roads and livestock. Texas is one of the largest beef producing states and with the introduction of exotic livestock and exotic fowl, the problem has worsened.

Other laws were enacted to deal with diseases of livestock that have added even more difficulty when handling estrays and must be addressed when impounded. Many of these diseases have human health hazard implications.

The purpose of this legal research of laws and opinions is intended to provide a policy proposal to the command staff of the Travis County Sheriff Office. Sources of research include Texas Livestock Code, Texas Animal Health Commission Regulations, Court Case Law and Attorney General Opinions. The Sheriff of Travis County as well as other Sheriff's in Texas need to understand that the problems with Estrays are real and threat to public safety. Ignoring these laws can result in liability for them and their respective counties. The adoption of this policy will reduce the liability of the Travis County Sheriff's Office and reduce the risk of property damage, injuries and deaths.

Historical and Legal Context:

One of the earliest stray laws in Texas, adopted in 1835, was by the Congress of Coahuila and Texas. This was a year before its Independence. The law declared stray animals to include those with unknown brands taken from thieves and hostile Indians. The animals were appraised by local officials and sold after three months. The true owner could redeem the animals within two months after the sale by paying the purchaser for the trouble of breaking them.

During this period Texas was considered to be open range and brands were the primary source of distinguishing one ranchers livestock from another. The state began to draw more settlers and farming began. As the open range was bought up by settlers, farmers livestock became a problem. Researching case law that shows damage to crops and others property due to the wandering livestock began to escalate and fencing of ones property became a necessity.

At this time in history the State of Texas passed legislation that livestock at large would be dealt with at the county level and that each county had the right to vote on stock laws. The first civil constitutional provision involving livestock was enacted in 1876. The first stock laws applied only to hogs, sheep, and goats. In 1897, it became a penal offense to permit stock to run at large after a stock law had been adopted, only relating to hogs, sheep, and goats was in force. Shortly, thereafter the stock law was extended to horses and cattle, by Acts 26th Leg. C. 128, and it was amended by Acts 30th Leg. 57. Whereby it was made an offense to permit such animals to run at large.

There have been numerous case decisions and opinions written on estrays. These decisions and opinions all agree that the Sheriff is responsible for the handling of estrays even when it occurs within the city limits. Some early case decisions and opinions

involving livestock brought forth standards that are still held too today. May 13, 1908 the Court of Criminal Appeals of Texas in Huffman v. State, decided that a person who has a good fence around his premises, and when another's cattle, breaks through it, he has the right to shoot them to protect his crop. In January 1914, Neuvar vs. State a conviction for allowing his livestock to run at large was upheld by the Court of Criminal Appeals of Texas. In December 1917, the Court of Appeals of Texas, Phillips vs. Crow decided that common-law rule requiring restraint of cattle by tethering or enclosure is not in force in this state. In April 1918, Cowand vs. State reversed a conviction on the basis that the local stock option was improperly enacted by the City of Dallas.

On March 31, 1939 Attorney General Gerald C. Mann rendered the opinion, that as long as stock remained on the owner's own property, they would not be running at large, nor would the Sheriff have the right to impound them, nor would the owner then be guilty of criminal violation of stock laws. September 15, 1947 Molton vs. Young the court ruled where no stock law is in place owners are permitted to allow livestock to run at large unless they are known to them to be vicious in the matter of fence breaking or other otherwise afflicted with infectious or contagious diseases and that owners of property that failed to fence them out were not entitled to recover damages.

On January 9, 1953 the Attorney General John Shepperd issued an opinion that the county had the power to acquire or lease property and build facilities for the purpose of housing impounding livestock. In Brite vs. Pfeil that was decided on April 6, 1960 the court rendered that one has no right to hold livestock of another as lien for payment. The Court of Civil Appeals on December 10, 1969 in Adams vs. Gray stated that the owner of livestock to be found at fault must knowingly allow his stock to run at large. Attorney General Crawford Martin issued an opinion June 17, 1970 that the sheriff has the

authority to impound goats running at large and charge appropriate fees and dispose of the same in accordance to statute.

On March 15, 1976 Attorney General John Hill issued an opinion in summary that stated. " An owner of cattle violates a county stock law when such cattle are on a county road, provided that the cattle are on the road under no one's immediate control and with their owner's consent or through his negligence. The sheriff may not lawfully pursue cattle onto their owner's property for the purpose of impounding them. The designated class of the county road has no effect on the application of the stock law". Mark White in an opinion written December 31, 1982 stated a person who discovers an estray on that person's property or public property shall report the presence of the animal to the sheriff of the county in which the animal is discovered and after receiving a report the sheriff or their designee shall impound the animal and hold it for disposition.

The Court of Criminal Appeals in Gray vs. Davis decided July 10, 1990 that owner of two stallions that exited an open gate and went to the neighbors property breaking through a fence and injuring his mares was liable. Opinion written by Assistant Attorney General William Walker July 31, 1992 stated where the local option is in effect; the owner of the designated class of livestock must prevent his stock from running at large in the county. In a more recent decision the Texas Supreme Court rendered the following in Gibbs vs. Jackson. Jackson was driving her car down a Farm to Market Road when she collided with a horse belonging to Gibbs. The collision injured Jackson and totaled her car. Jackson sued Gibbs alleging that Gibbs negligently failed to properly maintain the fence around the pasture that would have prevented the horse from roaming on the road. The court ruled that since the county had no stock law enforce, Gibbs had no common law duty to prevent the horse from roaming onto the roadway.

The livestock problem has continued to be a growing concern. With the highways and roadways of the state developing at faster speeds, livestock running at large causes even more damage to property. Accidents and even deaths have grown with the development. According to the U.S. Department of Agriculture census published in January of 1999, Texas is the largest producer of livestock with a reported 14 million head of cattle, 600 thousand head of horses, 1.35 million head of sheep, 1.35 million head of goats, 580 thousand head of hogs. A census taken in 1996 showed 198 thousand head of hoofed exotic livestock. Statistics are not kept on accidents involving just livestock. This makes one wonder why livestock are continuing to run at large. Some of these causes are livestock of vicious or breachy in nature, aging fences, weather problems (drought, tornadoes, snow, etc.), traffic accidents (car vs. fence), market values and part-time livestock owners. Most ranchers are very responsible while the part-time livestock owner does not check on their fences and livestock enough. The Estray Act classifies violations as a Class C. misdemeanor with a fine not to exceed \$500.00.

Review of Literature or Practice:

The legal procedure of impounding and disposing of estrays is prescribed in Chapter 142 of the Texas Agriculture Code. The Texas Legislature in 1986 and amended in 1993 to cover exotic livestock and exotic fowl extensively rewrote the Estray Act.

The statute defined an "estrays" as a valuable domestic animal, which has strayed from its owner. An animal may be an "estrays" even though its owner is remote or would not reclaim his wandering with reasonable diligence, or the animal is found a great distance from its accustomed range. As used in the Estray Act, "estrays" means any stray

horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, any species of cattle, exotic livestock or exotic fowl.

The act states that a person who finds an estray on their property, or the custodian of public property who finds an estray on public property, must report the presence of the estray to the sheriff of the county where the estray is discovered as soon as reasonably possible. If the sheriff or their designee determines that estray located on public property is dangerous to the public, they may immediately impound the animal without notifying the owner. If the owner does not immediately remove the estray the sheriff must proceed with impoundment process.

The owner of a estray found on private property may redeem the animal from the owner or occupant of private property by paying a redemption fee, if applicable and any damages incurred by the owner of the property. If the owner fails to redeem the estray within a reasonable period after notification, the sheriff at the request of the owner of property where the estray is located must immediately impound the animal.

The sheriff, or their designee, may require a collection fee in an amount set by the sheriff not to exceed \$25.00 if the sheriff or their designee is present at the time the owner claim the estray. If the estray is found on private property, the owner of the property is entitled to receive from the owner of the estray a reasonable amount for maintenance of the estray and any damages, so long as the notice of estray was given to the sheriff no later than the fifth day after the owner of the property discovered the estray. The owner of the property may accept an agreed amount from the owner of the estray or file a petition with the justice court to have the amount determined by the justice of the peace. However, the property owner may not hold the livestock under any circumstances.

If the sheriff assessed a collection fee for an estray, the owner of the estray may file a similar petition with the justice court if there is a disagreement with the amount of the fee. The sheriff or their designee must impound an estray in the following situations: (1) the owner of the estray is unknown; (2) the sheriff or their designee is unable to notify the owner; (3) the estray is dangerous to the public; (4) the estray is located on public property and after notification is not immediately removed by the owner; (5) the estray is located on private property and is not redeemed within a reasonable time after notification. After impounding the estray, the sheriff must prepare a Notice of Estray and file such notice in estray records in the county clerk's office.

If the owner of the estray is unknown, the sheriff or their designee must make a diligent search for the identity of the owner of the estray, including a search in the county register of recorded brands, if the animal is branded. If the owner is not identified the sheriff must advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the fifteen days after the date the animal was impounded. Notice of the Impoundment must be posted at the public notice board at the courthouse. This can be accomplished by posting the Notice of Estray along with the Notice of Impoundment on the public bulletin board.

The owner of a estray may recover possession of the estray at anytime before the estray is sold. To recover possession the owner is required to execute an Affidavit of Ownership, which must be approved by the sheriff or their designee and filed in the estray records of the county clerk. The owner must also pay all estray handling expenses before repossession of the animal can take place, this includes all expenses incurred by the county for impounding, handling, seeking the owner of, or selling the estray as determined by the county sheriff.

If ownership of the estray is not determined before the third day after the date of final advertisement, or if the estray is not redeemed before the 18th day after the date of impoundment, the county has title to the estray and the sheriff must sell the estray at either a sheriff sale or public auction licensed by the U. S. Department of Agriculture. As of September 1, 1999 legislation passed that exotic fowl may be given to non-profit organizations due to market prices. The sheriff will allocate the proceeds of the sale in the following order of priority: (1) payment of expenses of sale; (2) payment of impoundment fee and other charges due the sheriff; and (3) if applicable, payment of any amount for maintenance and damage due owners of private property from which the estray was impounded. If there are proceeds remaining after the sale and all expenses have been paid, the sheriff must pay the balance to the owner if known or deposit the balance into the county jury fund.

Local elections for livestock other than cattle require 50 freeholders (resident owners of land) or 20 freeholders of any area within a county sign a petition stating the class or classes of animals which they desired shall not run at large in the county or area then present it to the commissioners court in order to have an election. This included horses, mules, jennets, jacks, donkeys, hogs, sheep and goats. For cattle it required 35 freeholders (resident owners of land) of any county or 15 freeholders of any area within a county sign a petition stating they do not desire that cattle be permitted to run at large. Legislation also allowed for the repeal of stock laws upon submission of a written petition to the Commissioners court of 200 freeholders with at least 24 freeholders of each precinct on the petition. There is no general law that prohibits an owner of stock from permitting his stock to run at large. Unless a Local Stock law is in force, it is permissible for livestock to run at large. This in short means that if there was no local

stock law in effect one must fence out unwanted livestock. However, the owner of the stock may be held liable for damages caused by his trespassing stock. The only exception prohibits stock from running at large on highways. The problem with this exception is that it does not include numbered Farm to Market Roads and required the owner to knowingly allow the livestock to run at large.

Once the Local Stock Option is in place, a person owning or having responsibility for control of any horse, mule, donkey, cow, bull, steer, hog, sheep, or goat who knowingly permits the animal to traverse (cross) or roam at large, unattended, on the right-of-way of any U. S. highway or state highway, but not including numbered farm-to market roads is guilty of a Class C misdemeanor punishable by fine not to exceed \$500.00. Each day the animal is at large counts as a separate offense.

If a person knowingly turns out or causes to be turned out on land that does belong to them or that is not under their control, or knowingly fails or refuses to keep up any stock which is prohibited from running at large in any county or area of any county in which the stock law has been adopted, or knowingly permits their stock or stock over which they have control to run at large, when the stock is prohibited from running at large by a local stock law, is guilty of a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

Other laws that influence how estrays are handle can be found in the Agriculture Code Chapter 143, which involve fencing. This chapter defines that a fence must be sufficient to hold livestock of ordinary disposition. In order to be sufficient the fence must be four feet in height and meet the following requirements:

(1) A barbed wire fence must consist of three wires on posts no more than 30 feet apart, with one or more stays between every two post;

- (2) A picket fence must consist of pickets that are not more than six inches apart;
- (3) A board fence must consist of three boards not less than five inches wide and one inch thick;
- (4) A rail fence must consist of four rails.

Chapter 161 of the Agriculture Code deals with livestock diseases and has sections that deal with livestock that influence what must be done with livestock when impounded. The mission of the Texas Animal Health is the prevention, surveillance, diagnosis, control and extradition of targeted diseases and conditions affecting livestock, poultry, and exotic livestock and fowl. Since some of the targeted diseases have human health implications, and all affect production and marketability, these functions contribute to a solid foundation for economic prosperity while decreasing human health risks for the people of Texas. One of the most important commission laws that is addressed is the assembly of equine. The law requires that all equine must be tested for Equine Infectious Anemia when assembled with others and before they can be sold.

To find out how other sheriff departments around the state dealt with estrays, they were contacted by phone. The results of this survey found no written policies, but did prove to be interesting. Bexar County was contacted and reported they contract with someone to handle impounding and have them taken straight to the sale barn. El Paso stated when a deputy locates an stray, Animal Control responds and handles the situation, they do not impound. Harris County has 5 deputies assigned, with their own impound yard and they handle all estrays and cruelty to animal cases. The county also furnishes trucks, trailers and other equipment as needed. Lampasas County stated they have a deputy on call that handles livestock. Nueces County uses two Correction Officers

and inmates to impound estrays and take them to the sale barn. Refugio County has someone contracted and impounds are kept at a private ranch. Tarrant County has three deputies assigned to impound livestock and leases part of the stockyards. Yoakun County does no impounding but does issue citations to owners. Wichita County contracts with someone and the patrol deputies file the paperwork.

Discussion of Relevant Issues:

The first civil constitutional provision involving livestock was enacted in 1876. The first stock laws applied only to hogs, sheep, and goats and when, in 1897, it was first made a penal offense to permit stock to run at large after a stock law had been adopted, only relating to hogs, sheep, and goats was in force. Thereafter the stock law was extended to horses and cattle, and by Acts 26th Leg. C. 128, as amended by Acts 30th Leg. 57, it was made an offense to permit such animals to run at large.

There have been numerous case decisions and opinions written on estrays. These decisions and opinions all agree that the sheriff is responsible for the handling of estrays even when occurs within the city limits. In some early case decisions and opinions involving livestock brought forth standards that are still held too today. As time continued, the state developed, cities grew and highways were built. Transportation progressed with the development of the automobile. We now have 14 million head of cattle, 600 thousand horses 2.7 million head of sheep and goats fast cars and fast roads.

The legal procedure of impounding and disposing of estrays is prescribed in Chapter 142 of the Texas Agriculture Code. The Texas Legislature in 1986 and Amended in 1993 to cover exotic livestock and exotic fowl extensively rewrote the Estray Act.

The statute defined an “estrays” as a valuable domestic animal, which has strayed from its owner. An animal may be an “estrays” even though its owner is remote or would

not reclaim his wandering with reasonable diligence, or the animal is found a great distance from its accustomed range. As used in the Estray Act, "estrays" means any stray horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, any species of cattle, exotic livestock or exotic fowl.

The act states that a person who finds an estray on their property, or the custodian of public property who finds an estray on public property, must report the presence of the estray to the sheriff of the county where the estray is discovered as soon as reasonably possible. If the sheriff or their designee determines that estray located on public property is dangerous to the public, they may immediately impound the animal without notifying the owner. If the owner does not immediately remove the estray the sheriff must proceed with impoundment process.

The owner of a estray found on private property may redeem the animal from the owner or occupant of private property by paying a redemption fee, if applicable and any damages incurred by the owner of the property. If the owner fails to redeem the estray within a reasonable period after notification, the sheriff at the request of the owner of property where the estray is located must immediately impound the animal.

The sheriff, or their designee, may require a collection fee in an amount set by the sheriff not to exceed \$25.00 if the sheriff or their designee is present at the time the owner claim the estray. If the estray is found on private property, the owner of the property is entitled to receive from the owner of the estray a reasonable amount for maintenance of the estray and any damages, so long as the notice of estray was given to the sheriff no later than the fifth day after the owner of the property discovered the estray. The owner of the property may accept an agreed amount from the owner of the estray or

file a petition with the justice court to have the amount determined by the justice of the peace. However, the property owner may not hold the livestock under any circumstances. If the sheriff assessed a collection fee for a estray, the owner of the estray may file a similar petition with the justice court if there is a disagreement with the amount of the fee. The sheriff or their designee must impound an estray in the following situations: (1) the owner of the estray is unknown; (2) the sheriff or their designee is unable to notify the owner; (3) the estray is dangerous to the public; (4) the estray is located on public property and after notification is not immediately removed by the owner; (5) the estray is located on private property and is not redeemed within a reasonable time after notification. After impounding the estray, the sheriff must prepare a Notice of Estray and file such notice in estray records in the county clerk's office.

If the owner of the estray is unknown, the sheriff or their designee must make a diligent search for the identity of the owner of the estray, including a search in the county register of recorded brands, if the animal is branded. If the owner is not identified the sheriff must advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the fifteen days after the date the animal was impounded. Notice of the Impoundment must be posted the public notice board at the courthouse. This can be accomplished by posting the Notice of Estray along with the Notice of Impoundment on the public bulletin board.

The owner of a estray may recover possession of the estray at anytime before the estray is sold. To recover possession the owner is required to execute an Affidavit of Ownership, which must be approved by the sheriff or their designee and filed in the estray records of the county clerk. The owner must also pay all estray handling expenses before repossession of the animal can take place this includes all expenses incurred by the

county in impounding, handling, seeking the owner of, or selling the estray as determined by the county sheriff.

If ownership of the estray is not determined before the third day after the date of final advertisement, or if the estray is not redeemed before the 18th day after the date of impoundment, the county has title to the estray and the sheriff must sell the estray at either a sheriff sale or public auction licensed by the U. S. Department of Agriculture. As of September 1, 1999 legislation passed that exotic fowl may be given to non-profit organizations due to market prices. The sheriff will allocate the proceeds of the sale in the following order of priority: (1) payment of expenses of sale; (2) payment of impoundment fee and other charges due the sheriff; and (3) if applicable, payment of any amount for maintenance and damage due owners of private property from which the estray was impounded. If there are proceeds remaining after the sale and all expenses have been paid, the sheriff must pay the balance to the owner if known or deposit the balance into the county jury fund. Once the Local Stock Option is in place then, a person owning or having responsibility for control of any horse, mule, donkey, cow, bull, steer, hog, sheep, or goat who knowingly permits the animal to traverse (cross) or roam at large, unattended, on the right-of-way of any U. S. highway or state highway, but not including numbered farm-to market roads is guilty of a Class C misdemeanor punishable by fine not to exceed \$500.00. Each day the animal is at large counts as a separate offense.

If a person knowingly turns out or causes to be turned out on land that does not belong to them or that is not under their control, or knowingly fails or refuses to keep up any stock which is prohibited from running at large in any county or area of any county in which the stock law has been adopted, or knowingly permits their stock or stock over

which they have control to run at large, when the stock is prohibited from running at large by a local stock law, is guilty of a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

Other laws that influence how estrays are handle can be found in the Agriculture Code Chapter 143, which involve fencing. This chapter defines that a fence must be sufficient to hold livestock of ordinary disposition. In order to be sufficient the fence must be four feet in height. Chapter 161 of the Agriculture Code deals with diseases of livestock and has regulations in place that govern their movement.

In the survey of other counties around the state the findings showed a wide variety of ways estrays are handled. Many of them contract with non-law enforcement and none of them mentioned testing horses. Most of them went straight to the sale barn. Each of the counties contacted are having the similar problem with estrays and expressed that upon the completion of this project that I recontact them with the results.

Conclusion / Recommendations:

The purpose of this legal research of laws and opinions is intended to provide a policy proposal to the command staff of the Travis County Sheriff Office. Sources included Texas Agriculture Code, The Animal Health Commission Regulations, Case Law and Attorney General Opinions. The problems with Estrays are real and a threat to public safety. The research shows that there are laws to enforce, the priority of dealing with them has just been lacks.

Though the first laws enacted by the state were vague and confusing, the 1987 revised laws are workable and can work when approached properly. First find out if the Local Stock Option was voted in the county. Travis County voted in a Local Option in

August of 1945. This means that livestock must be contained by the owner on his own or leased property.

The county should provide the sheriff a facility to house and care for impounded animals. The sheriff should establish an Estray Unit to handle impounding and caring for livestock. Establish reasonable fees set by the sheriff for the handling and caring of the animals. Train all patrol deputies to document loose livestock description including any brands or markings, along with identifying owners when possible. This will assist the estray unit in locating owners later. The estray deputy should follow up on all estray calls to educate owners or cite them for violation of the estray law when applicable. Strictly enforcing estray laws and collecting fees and fines will deter future problems.

Chapter 142 of the Agriculture Code states the sheriff or their designee must impound an estray in the following situations:

- 1) the owner of the estray is unknown;
- 2) the sheriff or designee is unable to notify the owner;
- 3) the estray is dangerous to the public;
- 4) the estray is located on public property and after notification is not immediately removed by the owner
- 5) the estray is located on private property and is not redeemed within a reasonable time after notification.

The following are recommendations on how to conduct investigations and impoundments of estray livestock.

Impounding livestock when owner is unknown should be as follows:

- 1) Once the animal is caught check the animal for injury.

- 2) If the animal is injured or an equine it should be taken to a local vet for treatment. Vet expenses will be paid by owner when he reclaims the animal. Equine must be coggins tested prior to taking to impound facility. If the equine is not reclaimed the test results must accompany the animal during final disposition.
- 3) Once the animal is impounded unless they running together at the time of impound, they should be separated to reduce the risk of disease. An Affidavit of Ownership must be obtained when impound is claimed. Be sure that fees are collected from owner prior to releasing. Remember collection of fees is a good deterrent for future problems.
- 4) On the day of impoundment or next a Notice of Estray must be filed with the County Clerk and posted on the bulletin board. At this time the officer can check brand book for possible owner.
- 5) If estray is not claimed or the owner not located by the third day after impoundment the estray should be advertised in the local paper.
- 6) On the 18th day after impoundment if the owner is still not located then the animal belongs to the county and must be sold at auction. The law allows for estrays to be sold at a sheriff sale or an auction licensed by the U. S. Department of Agriculture. It is recommended that an auction barn gets more for the animal to cover fees and expenses.
- 7). Once the estray is sold a Report of Sale of Impounded Animal must be filed with the County Clerk.
- 8) Any profits left after fees and expenses are taken out must be deposited into the county jury fund.

Impounding of livestock when the owner is known should be the following:

- 1) Obtain an Affidavit of Ownership from the owner and have owner pay impound fees and expenses of impoundment. Fees are due anytime the sheriff or their designee are

present when the estray is claimed. The owner should also be notified at this time has the right to appeal fees and expenses by filing a petition with the Justice Court.

When investigating estrays the estray deputy should check the fences from where the estray came, document it and notify owner of its adequacy. If the owner fails to make needed repairs and the estray continues, then they can be cited for allowing the animal run at large. The estray deputy should have the attitude to inform and educate livestock owners about the law and liabilities they face by failing to keep their stock in. The estray deputy can do much of this by getting out and meeting livestock owners. Getting with the county extension agent can help get the word out and deputy can attend extension office seminars to meet local owners. The adoption of this policy proposal by the Travis County Sheriff Office will reduce their liability and the risk of property damage, injuries and deaths to its citizens.

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Texas Animal Health Commission. Agency Mission Statement

U. S. Department of Agriculture. Census 1999

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