

ry lines of the counties of Mc'Kean, Potter and Tioga, &c.

Additional allowance to Geo Ross. A certain part of which, he is to account for to the heirs of William Ellis.

the lines of the said counties, to the Secretary of the Commonwealth, to be deposited in his office, which return so to be made shall have the like effect as if the same had been executed and returned by all the commissioners appointed for that purpose, in pursuance of the said act; and there is hereby allowed to the said George Ross, in addition to the compensation allowed by the said act, the sum of seventy-five cents for every mile run and marked, to be paid out of the treasury of the Commonwealth, on a warrant drawn by the Governor; the said George Ross to be accountable to the legal representatives of William Ellis, deceased, for such part of the additional compensation as shall be in proportion to the services rendered by William Ellis, in his life time.

SIMON SNYDER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirteenth day of April, one thousand eight hundred and seven.

THOMAS M'KEAN.

CHAPTER CXLV.

An ACT concerning Strays.

SECTION I. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the*

A town clerk to be chosen for each township, in certain enumerated counties.

same, That it shall and may be lawful for the inhabitants of the respective townships in the counties of Philadelphia, Bucks, Chester, Lancaster, Northampton, Wayne and Delaware, who are qualified electors, when they meet at the usual time and place for electing supervisors of the highways, also to elect in the same manner, some fit person for a town clerk; and the judges of the election shall certify the same to the court of quarter session, the clerk of which shall make record thereof, as records of the election for constables usually are made; and if such person so elected, shall neglect or refuse to serve as town clerk or to perform any or all the duties hereinafter enjoined upon him, he shall forfeit and pay the sum of ten dollars, to be paid into the county treasury and applied as other county monies usually are: Whereupon the court of quarter sessions shall appoint some other fit person to fill his place; and it shall be the duty of such clerk, so appointed or elected and consenting to serve, immediately thereafter at the expence of their respective townships, to provide a book or books as often as the same shall be necessary, for the purposes hereinafter mentioned, to be kept at

Penalty for not serving, &c.

or as near as conveniently may be to the place of holding township elections, the price of which shall be paid out of the monies raised for the purpose of repairing the roads.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person shall discover upon his, her or their improved and inclosed lands, any stray cattle, horse or sheep, it shall and may be lawful for such person or persons to take up the same; and it shall be the duty of such person or persons to give notice thereof to the owner of such stray, if he or she can be readily found, but if otherwise, such person as aforesaid, shall within four days deliver to the town-clerk aforesaid, a particular description of the color and marks, natural or artificial, of such stray or strays, in writing or other satisfactory way; and for every neglect or refusal to do the same, he or she shall forfeit and pay the sum of five dollars, to be recovered as debts of a similar amount are by law recoverable; and it shall be the duty of the town-clerk, subject to like penalty for neglect or refusal to make an entry of the same in the book aforesaid, for which entry so made, the said clerk shall receive for each head of horse kind, fifty cents; and for each head of cattle, twenty-five cents; for every sheep, six cents; to be paid by the person delivering such notice aforesaid; and such person may detain such stray or strays, until the owner thereof shall reimburse him or her the expence of such entry, and also pay all reasonable charges of publishing such notice, which shall not exceed the sum of six cents per mile, to be estimated from the residence of the person taking up such stray or strays, to the place of keeping the book aforesaid, and also all reasonable expence for keeping such stray or strays, as well as the damage which may have been done by the same.

SECT. III. *And be it further enacted by the authority aforesaid,* That if the owner of any such stray or strays taken up as aforesaid, shall appear and neglect or refuse to make or tender a reasonable satisfaction to the party injured, for the damages sustained by such trespass, and for the cost of keeping such stray, or if such person or persons detaining such stray, shall not accept the said satisfaction, it shall be lawful for either of the parties aforesaid, to complain to any justice of the peace of the proper township or county where such stray shall be taken up as aforesaid, who shall upon such complaint and application issue his warrant directed to three disinterested and honest freeholders of the neighborhood, commanding and enjoining them forthwith to view the trespass, to value and appraise the same, having due regard to the sufficiency of the fence of such enclosure, with the expence and cost of keeping the said stray or strays, to make report thereof to him the said justice with all convenient speed; which said valuation and appraisement and return, they, the said

Strays found within inclosed lands to be taken up.

Notice thereof to be given to the owner, if to be found.

Otherwise a description thereof to be delivered to the town clerk.

Penalty for neglecting to do so.

Entry of such stray to be made by the town clerk in his book.

His compensation.

Such stray to be detained until the owner reimburse all reasonable charges.

Proceedings, in case the owner of the stray appear and refuse to make satisfaction for the damages sustained.

freeholders are hereby enjoined and required to make accordingly ; and if the said valuation and appraisalment shall not amount to more than the sum of money tendered to the party injured, as a recompence for the damage done as aforesaid, before such complaint made, then the said justice shall give judgment for the same only, to the party refusing such tender, and award reasonable costs ; but if the said valuation shall amount to more than the sum tendered, or if no such tender be made, then and in that case the said justice shall award and give judgment for the valuation aforesaid, to the parties injured, with reasonable costs for keeping the stray aforesaid, (to be estimated from the time of giving notice as aforesaid,) against the other party, and shall award execution upon every such judgment, with costs of suit accordingly: *Provided*, That the said valuation and appraisalment come within the jurisdiction of the said justice, but if not, then the said damage shall be recovered as debts of an equal amount are by law recoverable: *And provided always*, That if no owner for any such stray shall have been found, within thirty days after the same shall have been taken up, then, and in that case, the person taking up the same, shall not be entitled to receive any compensation for the damages done by the same, unless he shall within six days thereafter, have given notice to three disinterested freeholders to value and ascertain the amount of the same, which they are hereby authorized and required to do forthwith, and to make report thereof on oath or affirmation, to any justice of the peace residing in the proper township, who shall, when the owner of such stray shall be found, upon his or her neglect or refusal to pay the same, give judgment and award execution with costs as aforesaid: *And provided also*, That if the amount of the said appraisalment and valuation, be not within the jurisdiction of a justice of the peace, the said damage may be sued for before any court of competent jurisdiction, and in all cases before a justice, the defendant or plaintiff shall have like benefit of stay of execution or appeal, as is given under the existing laws relating to justices of the peace.

And in case the owner be not found within thirty days after the stray shall have been taken up.

In what cases strays may be sold to defray the costs of keeping, &c. and proceedings previous to such sale.

SECT. IV. *And be it further enacted by the authority aforesaid*, That if no owner shall appear, within thirty days after any such stray shall have been taken up, it shall be the duty of the person taking up the same, to cause an advertisement, particularly describing such stray, to be published at least in one newspaper in the proper county, if any there be, but if otherwise, to publish the same, by written or printed advertisements, which shall be put up at six or more public places in the county; and if no owner shall appear and make out his or her property in the said stray or strays, within ninety days after the publication of such advertisements as aforesaid, the person taking up the same, shall make application to any justice of the peace in the said town-

ship, who is hereby authorized and required to issue his warrant to any constable within the township as aforesaid, and cause him to expose the said stray or strays to public sale, first giving at least ten days notice in three or more public places in the said township, and after he shall have sold the same, he shall make a return thereof to the said justice, who shall after the payment of all reasonable charges, and damages, and cost of keeping as aforesaid, pay over the surplus, if any there be of such sale, to the county-treasurer; but if the owner of such stray or strays shall appear within one year after such sale, and prove his, her or their property, to such stray or strays, the said justice, or any other in the county, shall certify the same to the county treasurer, who shall pay to the said owner, the whole amount of such surplus aforesaid, but if no owner shall appear within the time limited as aforesaid, he or she shall be thereafter barred from all right to the same, and the money aforesaid, may be applied to such purposes as other monies in the treasury usually are.

How the surplus of the proceeds of sale is to be disposed of.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any person or persons, taking up any stray or strays, shall neglect to give notice as is herein before directed, he, she or they, so offending, shall forfeit all right and title to, or recovery of any sum or sums of money for any trespass committed by the same, but shall deliver up the said stray or strays so detained to the owner thereof, without any recompence, fee, or reward, whatsoever.

Penalty on persons taking up strays and neglecting to give notice as aforesaid.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the books to be kept as aforesaid, by the respective town-clerks of each township, shall be at all times kept open and free for any person or persons, who at any time may have occasion to search therein, for any such stray; and for which search, such clerk shall not ask or receive any fee or reward, under the penalty of three dollars, to be recovered by the party aggrieved, in manner aforesaid, with costs of suit.

The books of the respective town clerks to be, at all times open for inspection.

SECT. VII. *And be it further enacted by the authority aforesaid,* That from and after the first day of March next, the act, entitled "An act for erecting pounds in each township in this province," and the act, entitled "An act concerning cattle, horses, and sheep trespassing within this province," be, and the same are severally hereby repealed, so far as they relate to the counties mentioned in this act, and this act shall then be in full force and operation.

Former acts repealed.

SIMON SNYDER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirteenth day of April, one thousand eight hundred and seven,

THOMAS MCKEAN.