

1784. usage of the Admiralty, to join together in one suit; and if more than one suit shall be brought against any ship or vessel by more than one such tradesman as aforesaid, the Judge of the Admiralty shall cause such actions to be consolidated into one, and give one definitive sentence or decree, comprehending all such debts as shall be demanded by all or any of the tradesmen aforesaid, and duly supported, either by libel as aforesaid, or by petition to the court, while one or more of such libels shall be depending.]

On giving security, the vessel shall be discharged.

SECT. V. *And be it further enacted by the authority aforesaid,* That if upon any such libel or petition as aforesaid, the master or owner of such ship or vessel, or his or their agents, shall appear in the said court, and enter into stipulation, with sufficient sureties, to answer all the demands aforesaid, which shall be then filed against such ship or vessel, the said ship or vessel, shall be discharged from the arrest, and shall be permitted to proceed on her voyage.

Proviso.

SECT. VI. *Provided always nevertheless,* That no ship or vessel shall continue to be liable and chargeable for such debts, to the tradesmen aforesaid, longer than the time which shall intervene between the contracting of such debts, and the time of her proceeding to sea, next after the work shall be done or the materials and articles furnished and provided.

Passed 27th March, 1784.—Recorded in Law Book No. II. page 289.

## CHAPTER MLXXVIII.

[Sec vol. I. chap. 56. And the note sub-joined pa. 14. for a reference to all the laws on this subject.]

*An ACT to regulate fences, and to appoint appraisers in each township in the counties of Bedford, Northumberland, Westmorland, Washington and Fayette, and to encourage the raising of swine.*

SECT. I. **WHEREAS**, by an act of General Assembly of the late province of Pennsylvania, entitled “An act for erecting pounds in each township,” passed the tenth day of May, one thousand seven hundred and twenty-nine, and an act, entitled, “An act concerning cattle, horses and sheep,” passed the fourth day of March, one thousand seven hundred and sixty-three, the heights of a lawful fence therein mentioned are found to be insufficient: And whereas a supplement to an act, entitled “An act to prevent swine running at large,” passed the tenth day of May, one thousand seven hundred and twenty-nine, is found to be injurious to great part of the frontier counties of this state: For remedy whereof,

Fences, their dimensions.

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That all fences erected in this state, within the limits herein after mentioned, shall be made and erected in the following manner, that is to say: all worm fences shall be four feet and an half high, with sufficient stakes and riders added thereon, and that the under rail in each pannel shall not exceed five inches from the surface of the ground, and the first four rails in each pannel shall not exceed five inches wide between the rails; and that the said fences shall have at least four

feet worm ; and that all post and rail fences shall be four feet and an half high, and the distance between the rails as aforesaid. 1784.

SECT. III. *And be it further enacted by the authority aforesaid,* That, from and after the passing of this act, it shall not be lawful for any person or persons to kill, take or carry away, any swine, shoat or pig ; but in case of trespassing through or over any lawful fences as aforesaid, to take and impound the same, and to obtain and recover such damages, and in the same way and manner, as is herein after directed.

SECT. IV. And to the end that impartial justice may be speedily done, and obtained by any person or persons, who may think him, her or themselves, aggrieved by the trespassing of swine, or any other creature or creatures : *Be it enacted, and it is hereby enacted by the authority aforesaid,* That the inhabitants of each township, within the counties herein after mentioned, are hereby empowered and required to meet on the third Saturday of the Month of March, yearly, being the day appointed by law for chusing supervisors of the highways, and then and there to elect by ballot two substantial freeholders, to be appraisers in their respective townships for the ensuing year, whose duty shall be, upon the demand of any inhabitant within their respective townships, to go and view the fences where any damages are supposed to be done ; and if they find, upon view of the same, the fences to be sufficient, agreeable to the dimensions aforesaid, then, and in such case, they are to appraise and ascertain the damages done, and make return of the same to the next Justice of the peace, who is hereby empowered to award judgment and execution, as the case may require : and in case upon the said view as aforesaid, the fences shall be found insufficient, the said appraisers, in like manner, shall make report to the next Justice as aforesaid, who shall give judgment against the plaintiff for the costs of such view, and, upon refusal of payment, to award execution for the same, as in other cases.

Appraisers shall be chosen on the third Saturday of March, yearly.

Their duty.

SECT. V. *And be it further enacted by the authority aforesaid,* That the constable or constables shall attend and open said election, and shall call to his or their assistance, at the opening the election as aforesaid, two reputable freeholders, who shall be judges of said election, and whose duty shall be to receive the tickets of such election ; and when the election is closed, to sum up the same, and give a certificate of the names of the two freeholders highest in votes to be appraisers for the ensuing year. And the said constable is hereby required to return the same at the next court of Quarter Sessions, to be held for the county wherein such election is held, to the Clerk of the Sessions, who is hereby empowered to send notice to such freeholders, so elected, to repair to the next Justice of the peace, and there take the following oath or affirmation, which Justice is hereby empowered to administer the same ; to wit, " I, A. B. do swear, or affirm, that I will truly and faithfully appraise all damages done by trespassing creatures within my township, that may be done by creatures breaking over, or through, any lawful fences as aforesaid, agreeable to this act, when thereunto required."

Constable shall open election.

Appraisers qualification

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Wages of  
each  
appraiser.

SECT. VI. *And be it further enacted by the authority aforesaid,* That each appraiser shall be entitled to three shillings per day for their trouble, to be recovered before the Justice as aforesaid; and the Clerk of the Sessions, for the notice, writing, sealing and delivering, shall be entitled to three shillings to be paid out of the county treasury, by an order from the commissioners; and the Clerk shall enter the names of the appraisers so appointed on the Sessions docket.

Penalty on  
neglect of  
appraisers  
to assume  
their office.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in case any of the appraisers, so elected as aforesaid, should neglect or refuse to appear, he or they being duly notified thereof by the Clerk as aforesaid, and take the duty of their office, required by this law, upon them, then, and in such case, the said person or persons, so refusing or neglecting as aforesaid, shall forfeit and pay the sum of twenty shillings, unto the overseers of the poor of such township, to be recovered by the said overseers in a summary way, as debts are under forty shillings, and to be appropriated for the use of the poor of said township; and upon any such refusal as aforesaid, any two Justices of the peace in said county are hereby empowered to appoint others in their place, to serve until the ensuing election; and the said appraisers so appointed shall have all powers, and be under all such forfeitures and penalties, as if they had been duly elected according to this act.

Power of  
appraisers.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said appraisers shall have full power to act, and view all partition fence or fences, where any difference may happen or arise, within their respective districts; and the aforesaid appraisers in each township, respectively, shall be the sole judges of the charges to be borne by the delinquent, or by both, or either party, and of the sufficiency of all fences, whether partition fences or others; and all damages awarded to be recovered in the same way and manner, as is before directed in other cases.

Proviso.

SECT. IX. *Provided always.* That nothing in this act shall be taken or deemed to extend to or take effect in any other county of this state, than the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, any thing in the before recited act to the contrary in any wise notwithstanding.

Repealing  
clause.

SECT. X. *And be it further enacted by the authority aforesaid,* That so much of the Supplement to the act, entitled "An act to prevent swine running at large," passed the tenth day of May, one thousand seven hundred and twenty-nine; and so much of an act for erecting pounds, passed the tenth day of May, one thousand seven hundred and twenty-nine; and so much of the act, entitled "An act concerning cattle, horses and sheep," passed the fourth day of March, one thousand seven hundred and sixty-three, as is by this act altered or supplied, is hereby made null and void, any thing in the before recited acts or supplement to the contrary in any wise notwithstanding, so far only as the same respect the counties before mentioned.

Passed 27th March, 1784.—Recorded in Law Book No. II. page 291.