

and making any mitigation and allowments, and all other matters during the continuance of this act, as fully as if the same were particularly and at large repeated in the body of this present act.

Passed February 24, 1720-21. Apparently never submitted to the consideration of the Crown; expired May 14, 1722. See Appendix IV, Section II, and the notes to the several Acts of Assembly continued by this act.

CHAPTER CCXLI.

AN ACT FOR ERECTING AND MAINTAINING OF POUNDS.

[Section I.] Be it enacted by William Keith, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That the justices of Philadelphia, Chester and Bucks, in their respective quarter-sessions, are hereby authorized to appoint such and so many pounds and persons in charge of the same, in the most convenient place or places, as hereafter may be found needful. And upon complaint made, or official misdemeanor, may again change both the place and person offending, and impose such fine as the case may require. And every person so appointed, whilst in charge of any pound, as aforesaid, is likewise hereby empowered and required to receive, impound and keep all such cattle and horses as are, from time to time, brought to him, or any of them, in pursuance of this act; and shall strictly observe the direction of the same, and make due entries of all transactions relating thereunto, in order to be laid before the quarter-sessions when required.

[Section II.] And be it further enacted by the authority aforesaid, That all persons who shall at any time hereafter, take up or secure any cattle or horses trespassing within their enclosures, they are hereby directed and obliged forthwith to take or send the same to the next adjacent poundkeeper, under

the penalty of being prosecuted for a detenture, unless the owner of such trespassing beast or beasts shall make restitution for the damages to the satisfaction of the party grieved, in which case he, she, or they may have their creatures without further trouble or delay. But if any such trespassing creature shall be forcibly or clandestinely taken away from the then possessor, whether before or after the same be actually committed to the care of the poundkeeper, every person so offending, upon complaint and proof made before any magistrate, shall be bound over to the next court of quarter-sessions, to answer the damages, and shall be fined by the said court in any sum not exceeding five pounds. But when the owner of any beast, trespassing and impounded, as aforesaid, shall appear and claim their property, he, she, or they first paying the charges by this act set to the poundkeeper, and satisfying the damage to the person injured by the said trespass, the said creatures shall be immediately restored to such owner. And if the parties concerned cannot adjust the damages between themselves, nor with the assistance of the poundkeeper, then the same shall be referred to some one justice of the peace who may, if he see cause, appoint viewers. And any such justice is hereby empowered and required to give judgment, which shall be definite in every such case.

And the several poundkeepers within this province are hereby obliged to take due care of the creatures to them brought, and shall forthwith enter their marks, natural and artificial, in a book for that purpose, and shall sufficiently feed them daily at grass, or with good hay (as the season may require), and daily water them during the time of their continuance with them, and each of them respectively.

[Section III.] And be it further enacted by the authority aforesaid, That the keeper of the pound in the city of Philadelphia, as also the keepers of the pounds in the borough towns of Chester and Bristol, shall have a superintendency over all the other pounds in their respective counties. And the persons in charge of the other pounds, aforesaid, shall correspond with them, as occasion may require, and are hereby obliged to deliver into their custody, respectively, all such creatures for which no claimer appears, as have been in any of the said re-

moter poundkeepers' possession for the space of ten days, that the owners thereof may with greater ease be restored to their property; at which time of receipt the said general poundkeeper of the county shall pay the remoter poundkeeper according to the rates by this law allowed, and shall reimburse himself again, as this law directs, upon delivery or sale of any such creature.

[Section IV.] And be it further enacted by the authority aforesaid, That if no right owner of such trespassing beast or beasts, so brought to any of the general pounds, as aforesaid, appear within the space of six months, then, or sooner if need require, with the advice and consent of any two of the justices of the city or respective county, it shall and may be lawful for the said general poundkeeper to sell the same by public vendue for the most that can be got, who is hereby required to keep plain accounts of his transactions therein, and to lay the same before the quarter-sessions, as aforesaid, who are also hereby empowered to call for the said accounts, and to order the overplus, together with all fines and forfeitures arising by this act (if any be), after the deduction of all incident charges allowed by the same, to be paid into the hands of the county treasurer for the time being for the use of the county.

Provided always, That all such trespassing creatures, as aforesaid, shall be duly published in writing, with their marks described at large, at the court house and other most noted places in the said city and counties respectively, within three days next after being brought to the said general pound by the keeper thereof.

Provided also, That if the right owner of such trespassing beast shall appear within six months after sale made, as aforesaid, and prove their property to any such creature sold in pursuance of this law, to the satisfaction of the justices in their respective quarter-sessions, they shall thereupon order payment of the money arising by such sale, all lawful charges first deducted, to the [said] owner.

[Section V.] And be it further enacted, That the rates here inserted shall be allowed, taken and paid by the persons concerned respectively, as the case may require, and no other what-

soever: (That is to say) first, the keeper of each pound shall pay to the person that brings any trespassing cattle to be impounded, for each horse, six pence; for each horned beast, three pence, and for each sheep, one penny: which shall be repaid him again on the delivery or sale of such creature. And each poundkeeper shall be allowed for receiving and booking each horse, one shilling, each horned beast, six pence, and each sheep, two pence; and shall also be allowed for keeping and feeding the same as this act directs, per day, for each horse, six pence, for each horned beast, three pence, and each sheep, one penny. And shall be further paid the same rates last abovesaid, respectively, for driving or taking any such trespassing creatures to the general pound, with this further addition of one penny per mile, traveling charges. All which the keeper of such general pound shall pay, and take his satisfaction as hereinbefore directed: who is also hereby further allowed, for publishing in writing each horse, two shillings, each horned beast, one shilling, and each sheep six pence. And shall further have the same rate last abovesaid, for selling such trespassing creatures, pursuant to this law; and moreover, shall be allowed a commission of ten per cent on all sales by him made, as aforesaid; and the overplus shall be returned into the quarter-sessions to be disposed of by the justices as aforesaid.

[Section VI.] And be it further enacted by the authority aforesaid, That, to prevent disputes about the sufficiency of fences, all fences shall be esteemed lawful, or sufficient, though they be not close at the bottom, so that though the distance from the ground to the bottom thereof exceed not nine inches, and that they be four foot and a half high, and not under.

Passed February 24, 1720-21. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I. Repealed by Act of Assembly passed May 10, 1729, Chapter 301.