

in like cases directs, until the said two thousand pounds be sunk and destroyed.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and note to the Act of Assembly passed March 5, 1725-26, Chapter 289.

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## CHAPTER CCCL.

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### AN ACT FOR ERECTING OF POUNDS IN EACH TOWNSHIP OF THIS PROVINCE.

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-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 it shall and may be lawful for the inhabitants of the respective townships within this province who are owners or possessors of land to meet on the twentieth day of the month called May, unless it happens on the First day of the week, then on the next day after, yearly, or at such other time as the majority of those that meet may appoint, at the most public place of each respective township in every county within this province, and there the majority of those so met shall choose a fit person to be poundkeeper in each township for the year ensuing, which poundkeeper, where no pound is already erected, shall agree with some person forthwith to build or erect a good and sufficient pound in some fit and convenient place within the said township, where the same shall be agreed upon by the majority of the persons aforesaid being then present, a memorandum or minute of which appointment shall be taken and kept by the constable of the said respective townships and returned to the next county court to be held for the county in which the said respective townships do lie, the clerk of which county court shall enter the same among the proceedings of the said court and shall forthwith affix public notice

in writing on the door of the court-house of the name of each respective poundkeeper and the places where the same are erected.

[Section II.] And be it further enacted by the authority aforesaid, That whoever shall take up any stray horse or horses, cattle or sheep, trespassing within their inclosures within this province shall, within the space of twenty-four hours after such taking up, give notice to the owner or owners of such horse, cattle, &c., if he or she can be readily found, and if the owner shall upon such notice neglect or refuse to make reasonable satisfaction to the party grieved as by them shall be agreed upon or if no owner be found, then the said taker-up shall take or send such trespassing [creature or] creatures to the poundkeeper of the township where the trespass was committed, who shall receive the same immediately into his custody and shall feed them duly with grass or good hay and water during the time of their continuance in the pound, and shall pay to the party grieved such damages as shall be assessed by any two indifferent neighbors living near to the place where the trespass was committed, to be nominated by the said poundkeeper.

[Section III.] And be it further enacted by the authority aforesaid, That after any horses, cattle or sheep [shall] be delivered to any poundkeeper he shall forthwith enter the kind, color and marks of such creatures in a book by him to be kept for that purpose, together with the day of his receiving the same and from whom he received them; and thereupon shall within ten days send an account in writing to the clerk of the county court where such township lies, who shall affix the notice in public view in his office; and the poundkeeper shall also affix notice in writing at the court-house of the same county of the kind of creatures so impounded, together with their marks described at large, to the end that the owners of such trespassing creatures may the more readily be informed of and restored to their property; and if the owner appear and make out his right to the said creatures, the same shall forthwith be delivered to him, he paying to the poundkeeper the sum of one shilling for taking [in] and delivering out each creature,

together with the damages paid to the taker-up of such trespassing creatures, and the sum of six pence a head for horses or horned beasts for each day and one penny a head for sheep for each day, charges allowed by this act for feeding the said creatures and publishing their kind and marks in the manner herein directed; and also the sum of six pence to the use of the clerk of the county court for entering and filing the certificate of the poundkeeper. And if no owner shall appear to claim the creatures so impounded within the space of three months after impounding, it shall and may be lawful to and for the said poundkeeper by warrant from one justice of the peace of the said county, who is hereby required to grant the same, to expose such trespassing creatures to sale by public vendue for the most that can be got for the same after ten days' public notice given of the time and place of sale, and out of the money arising by such sale the said poundkeeper shall and may retain to himself for publishing and booking each horse two shillings, for each horned beast one shilling and six pence, and for each sheep nine pence, and likewise all such moneys as he hath paid to the taker-up of such trespassing creatures on account of his damages or other charges allowed by this act; and shall likewise retain to himself the sum of six pence for every day he shall keep such trespassing creatures in the pound if the same be a horse or horned beast, and one penny each day for each sheep; and the said poundkeeper shall, moreover, be allowed the sum of ten per cent on all sales made by him according to the directions of this act, and shall keep a plain account of all his proceedings and return the same together with the overplus money (if any be remaining) to the justices at their next county court to be held for the said county, who shall order the same to be paid to the overseers of the poor of the township where the creature was impounded for the use of the same township after the costs paid to the clerk for his service therein.

Provided also, That if the right owner of any beast sold as aforesaid appear within nine months after sale made as aforesaid and prove his property to any such creature sold in pursuance of this act before the justices of the peace of said county

at the next court, they shall thereupon order repayment of the money arising by such sale to the said owner, all reasonable charges first deducted.

[Section IV.] And be [it] further enacted by the authority aforesaid, That if any person or persons shall by force or otherwise, without the leave of the poundkeeper or by due order of law, take away any trespassing creature impounded according to the directions of this act and shall be legally thereof convict, he, she or they shall forfeit the sum of five pounds, to be applied to the use of the poor of that township in which the said creature was impounded; and that it shall and may be lawful for the overseers of the poor of the respective townships within this province, and they are hereby enjoined and required, to assess the inhabitants of the respective townships in the same manner as they are directed by the act for the relief of the poor, for such sum or sums of money as may or shall be necessary for supplying the charge of building and maintaining the said respective pounds and to collect the same, to be employed as shall be directed by the majority of the freeholders of the respective townships at their town meetings, for and towards the building and maintaining of pounds and no other use whatsoever; and if any person or persons shall refuse to pay their respective rates as taxed, that then the said overseers shall make complaint thereof to any one justice within [the] said county where he resides, who is hereby required forthwith to issue out his warrant to the overseers of the poor of the township where such default is made to make distress upon the offender's goods and chattels, who shall immediately make sale thereof for paying the said assessment and charges of distress, and return the overplus (if any be) to the owner.

[Section V.] 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 the distance from the ground to the bottom thereof exceed not nine inches, and that they be four feet and a half high and not under.

[Section VI.] And be it likewise enacted, That the former

act made for erecting pounds passed in the seventh year of the late King George the First and every part thereof shall be made void and repealed by this act, anything in the said former act contained to the contrary in anywise notwithstanding.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the notes to the Acts of Assembly passed November 27, 1700, Chapter 56; May 9, 1724, Chapter 279; and the Acts of Assembly passed March 4, 1763, Chapter 490; April 5, 1779, Chapter 842; March 13, 1780, Chapter 892; April 2, 1781, Chapter 934; March 27, 1784, Chapter 1089; December 9, 1789, Chapter 1478; April 22, 1794, Chapter 1774; March 7, 1800, Chapter 2120; April 1, 1805, P. L. 194; April 9, 1807, P. L. 183; April 13, 1807, P. L. 286; March 28, 1808, P. L. 163; February 6, 1810, P. L. 17; (the three acts of) March 20, 1810, P. L. 160, 161, 188; March 27, 1812, P. L. 175; March 25, 1813, P. L. 170; March 29, 1813, P. L. 230; February 25, 1814, P. L. 66; March 14, 1814, P. L. 96; January 25, 1816, P. L. 8; February 17, 1816, P. L. 69; March 5, 1819, P. L. 87; March 28, 1820, P. L. 171; April 2, 1821, P. L. 206; March 29, 1824, P. L. 126; April 5, 1830, P. L. 215; April 1, 1831, P. L. 342; January 10, 1832, P. L. 12; May 4, 1832, P. L. 480; April 15, 1834, P. L. 537; March 11, 1842, P. L. 62; February 24, 1847, P. L. 164; March 3, 1847, P. L. 199; April 14, 1851, P. L. 612; (the two acts of) April 18, 1853, P. L. 530; P. L. (1854) 825; April 14, 1855, P. L. 234; April 26, 1855, P. L. 316; April 27, 1855, P. L. 351; March 26, 1857, P. L. 124; April 15, 1857, P. L. 196; April 24, 1857, P. L. 309; March 5, 1858, P. L. 78; February 25, 1859, P. L. 79; February 15, 1860, P. L. 55; February 22, 1860, P. L. 68; March 25, 1861, P. L. 204; April 17, 1861, P. L. 323; April 11, 1862, P. L. 496; April 14, 1863, P. L. 453; April 15, 1863, P. L. 501; April 9, 1864, P. L. 369; March 4, 1865, P. L. 271; March 21, 1865, P. L. 444; March 22, 1865, P. L. 538; (the two acts of) March 23, 1865, P. L. 42, 675; February 9, 1866, P. L. 23; March 27, 1866, P. L. 332; (the four acts of) April 11, 1866, P. L. 562, 703, 716, 737; April 12, 1866, P. L. 101; June 26, 1866, P. L. 1114; April 3, 1867, P. L. 691; April 8, 1867, P. L. 940; (the four acts of) April 10, 1867, P. L. 996, 1021, 1071, 1082; April 13, 1867, P. L. 1224; February 28, 1868, P. L. 236; March 12, 1868, P. L. 301; March 28, 1868, P. L. 514; April 1, 1868, P. L. 573; April 9, 1868, P. L. 779; April 11, 1868, P. L. 865; April 14, 1868, P. L. 1122; April 2, 1869, P. L. 672; April 9, 1869, P. L. 800; April 13, 1869, P. L. 892; April 17, 1869, P. L. 1125; February 24, 1870, P. L. 230; April 13, 1870, P. L. 1145; March 17, 1871, P. L. 411; May 25, 1871, P. L. 1137; (the two acts of) May 29, 1871, P. L. 1279, 1281; March 9, 1872, P. L. 295; March 23, 1872, P. L. 510; March 18, 1873, P. L. 310; April 8, 1873, P. L. 565; (the two acts of) April 10, 1873, P. L. 665, 700; May 23, 1874, P. L. 230; (the two acts of) May 22, 1878, P. L. 96, 99; June 23, 1885, P. L. 142; (Section VI was repealed by the Act of Assembly passed) May 23, 1887, P. L. 167; May 24, 1887, P. L. 204; April 4, 1889, P. L. 27; April 26, 1889, P. L. 64; May 23, 1889, P. L. 277; May 23, 1891, P. L. 108; May 31, 1893, P. L. 185.