

CHAPTER CCCLXXV.

AN ACT TO REGULATE HORSE-JOCKEYS AND DEALERS IN HORSES, AND TO PREVENT THE BRINGING INTO THIS PROVINCE FOR SALE SUCH AS ARE SMALL, UNSIZABLE OR UNSOUND.

Whereas divers evil-disposed persons, horse-jockeys and others, dwelling as well within this province as without, have in times past brought into the same for sale many small horses, mares, geldings and colts, some of which have been stolen or otherwise dishonestly come by, and others of them unsound and unserviceable, which yet, by artful pretenses, have been sold and imposed on the inhabitants within this province.

And whereas such evil-disposed persons, in their passing and repassing, often steal, lead, drive or ride away horses, mares, geldings and colts, the property of the inhabitants aforesaid by means whereof the owners have been greatly injured, purchasers defrauded and the breed of small and unsizable horses propagated:

For preventing whereof as much as may be for the future:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietors of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That [from and] after the sixteenth day of the month called May, next after the publication of this act, no horse-jockey or dealer in horses or any other person or persons whomsoever, whether dwelling within this province or without, shall bring into the same for sale, traffic or exchange any horse, mare, gelding or colt without such person or persons shall first be recommended to the governor for a license so to do by the justices of the quarter-sessions of one of the counties within the said prov-

ince; nor shall any person or persons be so licensed without first giving bond in the prothonotary's office unto the governor for the time being, with one or more substantial freeholders as sureties, in the sum of one hundred pounds, conditioned that he or they shall well and truly observe the laws of this province in respect to horses, mares, geldings and colts, nor bring any into this province against the tenor of this act, which recommendations and licenses so to be given shall be annually renewed in the manner before directed. And for every recommendation obtained and bond so to be given there shall be paid to the said prothonotary five shillings and to the governor for the time being for each license twenty shillings and no more.

[Section II.] And be it further enacted by the authority aforesaid, That no horse, mare or gelding shall, after the time aforesaid, be brought into this province for sale less than fourteen hands, or four feet and eight inches, in height, nor exceeding the age of eight years, well proportioned and sound in wind and limb; nor shall any colt be brought in for sale but such as are large of their age, well proportioned and sound as aforesaid; if eighteen months old, to be at least thirteen hands in height.

[Section III.] And be it further enacted by the authority aforesaid, That all and every horse-jockey or dealer in horses or other person or persons whomsoever bringing into this province any such horse, mare, gelding or colt for sale, shall at his and their first entrance therein apply to the next or other justice of the peace and deliver to him in writing the number of the horses, mares, geldings and colts brought in, together with their several brand-marks, if any they have, and at least one natural mark of each such creature; and shall at the same time show a bill or bills of sale for every of them duly certified and proved under the hand and seal of at least one justice of the peace from whence they were brought, or some instrument of writing certified as aforesaid, showing whose property they are, and that the person or persons so bringing them into this province have good right to make sale of the same. On producing whereof to the satisfaction of the justice to whom any such application shall be made, he shall give to the person applying for the same a certificate of the premises, and shall also make an entry thereof in a book by him to be provided and kept for that purpose, for which

certificate and entry such justice shall receive of the party so applying four shillings and six pence, if the number of horses, mares, geldings and colts does not exceed six; and for every one above that number six pence each and no more. And every person and persons so obtaining any such certificate as aforesaid shall within the space of six months return the same to the justice of whom it shall be so obtained, together with an account in writing how many of such horses and which of them have been sold within this province and to whom, where the buyers dwell and for what price.

[Section IV.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for any constables or others, freeholders in any of the townships in any of the counties within this province, having cause to suspect any such jockey, dealer in horses or other person or persons is or are traveling with horses, mares, geldings or colts for sale without having applied for and obtained such certificate as aforesaid, it shall and may be lawful to and for them, the said constables or freeholders aforesaid, to examine such jockey or others for his certificate, and on his neglect or refusal to produce the same to give notice thereof to the next or other justice of the peace, who is hereby required to cause such offender to be apprehended and bound over to the next quarter-sessions of the peace to be held in the said county, there to be proceeded against according to law; and any horse-jockey or others offending in the premises and not giving sureties for his appearance as aforesaid shall be committed to the gaol of the county there to remain until he or they shall be delivered by due course of law.

[Section V.] And be it further enacted by the authority aforesaid, That every horse-jockey or dealer in horses or others who shall bring into this province any horse, mare, gelding or colt for sale, not having given bond and obtained a recommendation and license as aforesaid, or that shall neglect to apply for and obtain the certificate and make the return thereof, with an account of the sales hereby directed, every person so offending shall for each offense forfeit the sum of fifty pounds, one-half thereof to the governor towards the support of government, the other half to any person who will sue for the same, to be recov-

ered in any court of record within this province with full costs of suit.

Provided always, That nothing in this act contained shall be deemed, construed or understood to prohibit or debar any person or persons whomsoever, inhabitants of this province, from purchasing and bringing into the same any horses, mares, geldings and colts for his, her or their use and uses in the same manner as it was lawful for them to do before the making of this act.

Provided also, That this act shall remain and be in full force and virtue for the space of seven years from the time of the publication thereof and from thence to the end of the next session of assembly and no longer.

Passed February 4, 1848-49. Confirmed by the King in Council, March 29, 1750. See Appendix XVII, Section I, and note to the Act of Assembly passed May 9, 1724, Chapter 279.

CHAPTER CCCLXXVI.

AN ACT TO ENCOURAGE THE KILLING OF SQUIRRELS WITHIN THIS PROVINCE.

Whereas it is found on experience that the number of squirrels have of late very much increased within this province, and that they greatly damnify the farmers and others by destroying their wheat, Indian corn and other grain:

For the prevention whereof as much as may be for the future:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietors of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That for every squirrel (ground squirrels and flying squirrels excepted) killed within the inhabited part of any of the counties within this province there shall be paid by the treasurers of the said counties respectively unto the person who