

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 March 27, 1784. Recorded L. B. No. 2, p. 289, etc. See the Act of Assembly passed February 9, 1793, Chapter 1652.

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## CHAPTER MLXXXIX.

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AN ACT TO REGULATE FENCES AND TO APPOINT APPRAISERS IN EACH TOWNSHIP IN THE COUNTIES OF BEDFORD, NORTHUMBERLAND, WESTMORELAND, WASHINGTON AND FAYETTE, AND TO ENCOURAGE THE RAISING OF SWINE.

(Section I, P. L.) Whereas by an act of general assembly of the late province of Pennsylvania, entitled "An act for erecting pounds in each township,"<sup>1</sup> passed the tenth day of May, one thousand seven hundred and twenty-nine, and an act, entitled "An act concerning cattle, horses and sheep,"<sup>2</sup> 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,"<sup>3</sup> 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:

[Section I.] (Section II, P. L.) 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 hereinafter mentioned shall be made and erected in the following manner: That is to say, all worm fences

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<sup>1</sup> Passed May 10, 1729, Chapter 301.

<sup>2</sup> Passed March 4, 1763, Chapter 490.

<sup>3</sup> Passed May 10, 1729, Chapter 303.

shall be four feet and an half high with sufficient stakes and riders added thereon, and that the under rail in each panel shall not exceed five inches from the surface of the ground, and the first four rails in each panel 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 a half high, and the distance between the rails as aforesaid.

[Section II.] (Section III, P. L.) 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 hereinafter directed.

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:

[Section III.] (Section IV, P. L.) Be it enacted, and it is hereby enacted by the authority aforesaid, That the inhabitants of each township within the counties hereinafter 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 choosing 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.

[Section IV.] (Section V, P. L.) 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, viz:

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."

[Section V.] (Section VI, P. L.) 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.

[Section VI.] (Section VII, P. L.) 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.

[Section VII.] (Section VIII, P. L.) 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.

(Section IX, P. L.) 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, anything in the before recited act to the contrary in anywise notwithstanding.

[Section VIII.] (Section X, P. L.) 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, anything in the before recited acts or supplement to the contrary in anywise notwithstanding, so far only as the same respects the counties before mentioned.

Passed March 27, 1784. Recorded L. B. No. 2, p. 291, etc. See the Acts of Assembly passed, March 7, 1800, Chapter 2120; March 28, 1808, P. L. 163; May 31, 1893, P. L. 185.

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## CHAPTER MXC.

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### AN ACT FOR REGULATING OF HAWKERS AND PEDDLERS.

(Section I, P. L.) Whereas many idle and vagrant persons may come into this state, and under pretence of being hawkers or peddlers may greatly impose upon many persons in the quality and price of goods, and also may commit felonies and other misdemeanors.

For preventing such inconveniences and evil practices, and to the intent that no persons may be admitted to follow the business of hawkers or peddlers within this state, but those who are of known honesty and civil behavior:

[Section I.] (Section II, P. L.) 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 from and after the passing of this act no person whatever shall follow or employ him, her or themselves in the business or employment of a hawker, peddler or petty chapman within this state, until such persons shall have obtained a recommendation from the justices of the county court where he or she dwells, certifying their opinion of the honesty of the person recommended, and that he or she intends to travel with one or more horse or horses, or other beasts of burden, or on foot, and thereupon shall have obtained a license from the president or vice-president of the supreme executive council of this state, and shall have given bond in the prothonotary's office of the said county court, to the said president or vice-president, him or herself in the sum of one hundred pounds, and two freeholders sureties in the sum of fifty pounds each, conditioned that such person shall be of good behavior