

Commissioners to lay out a road from Bedford to Franklin. When to proceed, and make a draft thereof.

ginning at the borough of Bedford, in Bedford county, thence on the nearest and best route through the borough of Indiana, to the town of Franklin, in Venango county: and the commissioners so appointed, shall proceed to perform the duties of their appointment at such time as the Governor shall direct, and shall make an accurate draft of the said road, and deposit one copy thereof in the office of the clerk of the court of quarter sessions of each county through which the said road shall pass, and the said clerks shall enter the same of record in their respective offices, which shall be a record of the said road, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as roads laid out by order of the courts of quarter sessions of the counties through which the said road passes.

Compensation of commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners shall receive two dollars for every day they shall be necessarily employed in performing the aforesaid service, together with a reasonable compensation for hands employed in measuring and marking the said road; and the accounts of the said commissioners shall be settled and adjusted by the accountant officers, in the usual manner, and the amount paid by the state treasurer.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-second day of March, one thousand eight hundred and seventeen.

SIMON SNYDER.

CHAPTER XCVIII.

AN ACT

Against horse racing upon the public roads within the limits of the city and county of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That if, from and after the passing of this act, any person shall enter or start, or cause or procure to be entered or started, any horse, mare or gelding, for the purpose of running

or performing a race, upon any public road within the limits of the city or county of Philadelphia, at any meeting or assembly consisting of more than fifteen persons, or if any person shall wilfully ride a race, or cause or procure a race to be ridden, upon any such public road, every such person, upon conviction in any court of record, having criminal jurisdiction over the place where the offence may have been committed, shall be subject to a fine of fifty dollars.

Horse racing prohibited in public high-ways.

Penalty for horse racing.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any horse, mare or gelding shall be wilfully made or caused to run or perform a race upon any such public road, at any such meeting or assembly as aforesaid, every such horse, mare or gelding shall be forfeited.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the sheriff, deputy or under sheriff, and constables within the limits aforesaid, and they are hereby directed and empowered, without any special warrant or other authority than this act, to seize and secure every horse, mare or gelding that may have been made or caused to run or perform, or to commence running or performing any such race as aforesaid: *Provided, however,* That such seizure be made at the time of such race, or immediately after the same, or upon fresh suit, if such horse, mare or gelding shall have left the ground before such seizure could conveniently have been made, and the officer making such seizure shall be allowed for the same, and for all further proceedings therein as hereinafter mentioned, the sum of ten dollars, to be charged and allowed among the costs.

Sheriffs, &c. may seize any horse for running a race.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That upon complaint being made upon the oath or affirmation of two credible witnesses, to any judge of the court of common pleas, alderman or justice of the peace, that any horse, mare or gelding has become forfeited or liable to forfeiture, by virtue of this act, by having run or performed any such race as aforesaid, at any time within twenty days next preceding the time of such complaint, the said judge, alderman or justice shall issue a warrant, under his hand and seal, commanding and empowering the sheriff of the county to seize, secure and detain such horse, mare or gelding where-soever the same may be found within the limits aforesaid, and to dispose of the same as is hereinafter directed; and the said sheriff and his assistants, in executing such warrant, are hereby authorised and empowered to enter any stable, building, shed, field or enclosure where there is reasonable ground to believe such horse, mare or gelding to be kept or concealed, in the same manner as the said sheriff might lawfully do in executing any writ of replevin; and the said sheriff shall be allowed, for executing the said warrant and for his further proceedings in the case as hereinafter mentioned, the sum of five dollars, to be charged and allowed among the costs as aforesaid.

Horse forfeited.

May be seized, &c.

Sheriff to enter stables, &c. to search for horses.

Forfeited horses as aforesaid to be sold, after notice of sale.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when any horse, mare or gelding shall have been seized, by virtue of this act, either with or without special warrant as aforesaid, any judge or justice of the court of common pleas, having been first satisfied, by the oath or affirmation of two credible witnesses, of their being reasonable ground to believe such horse, mare or gelding to be forfeited, or liable to forfeiture by virtue of this act, may make an order, in writing under his hand, authorising and requiring the officer who may have made such seizure, to cause such horse, mare or gelding to be sold at public auction, giving ten days notice of the time and place of sale, and to return the said order within a reasonable time and all proceedings thereon, together with the proceeds of such sale, after deducting all necessary charges and expenses, into the office of the prothonotary of the said court of common pleas, there to remain and abide the final judgment or order of the said court in the case.

All forfeitures may be sued for, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all forfeitures mentioned and declared in this act, may be sued for and recovered by libel or information in the said court, either by the officer who may have made the seizure without special warrant, or by the person who may have procured the seizure to be made by special warrant, or by the attorney general or his deputy, at the request of any person who may have made or procured such seizure, which court, upon the exhibition of the libel or filing the information, shall cause reasonable public notice to be given of such seizure, and of the substance of such libel or information, and if no person shall appear during the term next succeeding the exhibition of the libel or filing the information, and claim the proceeds of the sale remaining in court, and give security for the costs, in case he shall not disprove the forfeiture, the said court shall, at the next succeeding term give judgment in favor of the libellant or informer; but if any claimant appear, and give security as aforesaid, within the time aforesaid, he shall be made a party to the record, and the cause (if facts are disputed) shall be tried by a jury, under the direction of the court, as in other cases; and in case of a final judgment upon a verdict or otherwise, in favor of the claimant, he shall be entitled to the proceeds of sale remaining in court, but if it shall appear to the court that there was a reasonable ground for the seizure and sale as aforesaid, then the said court shall certify the same, and in such case the claimant shall not be entitled to costs, nor shall the person or persons who made the seizure, or caused the same to be made, or the informer, prosecutor or libellant be liable to any action, suit or judgment on account of such seizure, sale, prosecution or proceeding: and in all cases where final judgment shall be given in favor of the libellant or informer, the court shall order and direct one half of the money remaining in court (after making from the whole sum a reasonable deduction for costs, in cases where no claim-

In what cases there shall be jury trials.

ant shall have appeared) to be paid to the libellant or informer, in case the libel or information shall not have been exhibited by or for the attorney general, and the other half to be paid to the guardians of the poor for the city, district or township in which the offence may have been committed; but in case the libel or information shall have been exhibited or filed by or for the attorney general, then the whole of the money remaining in court, making deduction as aforesaid, to be paid to the said guardians of the poor as aforesaid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That no action shall be brought against any person for seizing, detaining or selling any horse, mare or gelding by virtue of this act, until it shall have been finally determined by the proper court wherein such horse, mare or gelding be or lie. To whom forfeitures shall be paid.
 be not forfeited, and no writ of replevin shall issue for any horse, mare or gelding which may have been seized, detained and sold as aforesaid: *Provided, however,* That if no proceedings be instituted for the recovery of the forfeiture during the term of the court of common pleas next succeeding the time of the seizure, then and in such case any person aggrieved by the said seizure and detainer, may have and maintain his action therefor; and in case of a sale having taken place, such person, upon satisfying the court that at the time of the seizure he was the true owner of such horse, mare or gelding, shall be permitted to take out of court the proceeds of such sale. In what case no action can be sustained.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-second day of March, one thousand eight hundred and seventeen.

SIMON SNYDER.

CHAPTER XCIX.

AN ACT

Granting a review of part of the state road from Indiana to Pittsburg, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions of the county of In-