

1705. produced in any Court, or before any Magistrate, in this province, the execution whereof being proved by two or more of the witnesses thereunto, before any Mayor, or Chief Magistrate, or officer of the cities, towns or places, where such bonds, letters of attorney, or other writings, are or shall be made or executed, and accordingly certified under the common or public seal of the cities, towns or places, where the said bonds, letters of attorney, or other writings, are so proved respectively, shall be taken and adjudged as sufficient in law, as if the witnesses therein named had been present, and such certification shall be sufficient evidence to the court and jury for the proof thereof.

Future sales of lands, &c. by power of attorney regulated.

III. *And it is further enacted,* That all sales or conveyances of lands, tenements or hereditaments, which shall hereafter be made by virtue of any letters or powers of attorney or agency, duly executed, which do or shall expressly give power to sell lands or other estates, and be certified to have been proved as aforesaid, or shall be proved in this province before any Justice of the Peace, by one or more of the witnesses thereto, shall be good and effectual in law, to all intents, constructions and purposes whatsoever, as if the said constituent or constituents had by their own deeds, bargains and sales, actually and really sold and conveyed the same.

Powers to be valid until notice of revocation.

IV. *Provided always,* That no sale of lands, tenements and hereditaments, made by virtue of such power or powers of attorney or agency as aforesaid, shall be good and effectual, unless such sale be made and executed while such power is in force; and all such powers shall be accounted, deemed and taken, to be in force, until the attorney or agent shall have due notice of a countermand, revocation, or death of the constituent.

Passed in 1705.—Recorded A. vol. I. page 206.

CHAPTER CLVIII.

An ACT to prevent the running of swine at large.

No swine to run at large without rings and yokes within fourteen miles of Delaware.

WHEREAS the freeholders and owners of lands and plantations, within this province, have received great damage and spoil in their corn-fields, meadows and outlands, by swine running at large, without rings and yokes: For the prevention whereof for the future, *Be it enacted,* That from and after the first day of the twelfth month, called February, next ensuing the publication hereof, no swine shall be suffered to run at large, without rings and yokes, under the penalty of forfeiting half the value thereof, to the use hereafter expressed: Therefore if any person or persons shall find on his, her or their lands, within fourteen miles of the navigable parts of the river Delaware, any swine, hog or hogs, shoat or shoats, or pigs, without rings in their noses, sufficient to prevent their turning up the ground, and triangular or three cornered yokes or bows about their necks, and to extend at least six inches from the angular point or corner, sufficient to keep them from breaking through fence, it shall and may be lawful for him, her or them, all such swine, hogs, shoats or pigs, to kill and take, and drive and carry away, or to cause them to be killed, taken, driven or carried

Rings and yokes described.

away; and being so taken and carried away, the said takers shall forthwith acquaint a Justice of the Peace thereof, and being by him legally attested, that the said swine were taken as aforesaid, without yokes, or bows and ring, the said Justice shall immediately appoint and order two indifferent persons of the neighbourhood, to view and make a just and reasonable appraisement of all such swine, hogs, shoats or pigs, and to make return of their value, number and marks, unto the said Justice of the Peace, as soon as conveniently it may be done after such appraisement, one moiety or half the value whereof shall be forfeit to the person or persons, owners or possessors of such lauds where found and taken; and he or they, that shall take up such swine as aforesaid, shall pay unto the said Justice of the Peace, for the use of the owner or owners of such swine, the other moiety or half part thereof; and thereupon the property of all such swine shall be and remain in the said owner or possessor of land as aforesaid, to his and their own proper use, for ever.

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Proceedings
on offences
against this
act.

II. *And be it further enacted*, That such Justice of Peace shall make publication thereof, by a paper affixed on his house, and on some tree near the high-road side, declaring the number, marks and appraisement, of all such swine, and by whom taken up, to the end that the owners may have notice thereof; unto whom the said Justice of the Peace shall pay the other moiety or half the value of such swine taken and appraised, he first deducting out of the same, two shillings for the appraisers, and two shillings for the Justice's clerk, for their trouble therein. But if it so happen, that the moiety or half part, as appraised, will not pay the said four shillings, then such takers up shall pay what shall be wanting thereof.

Justice to ad-
vertise, &c.

III. *Provided nevertheless*, That if no person appear, within twelve months after appraisement as aforesaid, to claim the moiety or half part of such swine, that then the said Justice shall pay what money he hath received, the charges as aforesaid first deducted, unto the overseer or overseers of the poor of the township where taken up, for the use of the poor of the said township, and the owners of such swine shall be thereupon debarred from any claim or right to the same, any law, usage or custom, to the contrary in any wise notwithstanding.

IV. *And be it further enacted*, That it shall not be lawful for any swine, hogs, shoats or pigs, to go at large in the towns of Philadelphia, Chester or Bristol, whether yoked and ringed or not; but if any such shall be found running at large, after the first day of the twelfth month next ensuing, such swine, hogs, shoats or pigs, shall be forfeit, one half to him or them that shall take up the same, and the other half to the use of the poor of the respective towns, to be paid to the overseer or overseers accordingly, to the use aforesaid; the said town of Bristol being all the space contained within half a mile square, from the Mill-creek, up the River Delaware.

Passed in 1705.—Recorded A. vol. I. page 210. (i)

(i) See the notes to chap. 56, ante, page 14. By a supplement to this act, passed May 10th, 1729, (post. chap. 303,) the regulations of this act are extended to every part of the province. But by an act passed March 27th, 1784, par-

ticular regulations on this subject are made for the counties of Bedford, Northumberland, Westmoreland, Washington, and Fayette; and the supplement above mentioned is repealed with respect to those counties, (post. chap. 1978). But

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so far as relates to the county of *Northumberland*, the act of March 1784, is repealed, whereby the first supplement of May, 1729, is revived so far as respects that county, according to its then limits, by an act passed March 7th, 1800, (post. chap. 2109,) and also as far as relates to the county of *Luzerne*, by the act of April 1st, 1805, (post. chap. 2578.)

The act of March 1784, is also repealed by an act passed March 28th, 1808, (post. chap. 2981,) so far as the same respects the counties of *Washington* and *Allegheny*; and new regulations are made for trespassing cattle

and swine; and the supplement of 1729 is not revived, for those counties. And by an act passed February 6th, 1810, so far as respects the boroughs of *Connelville* and *Union town* in the county of *Fayette*. For regulations on this subject in the several boroughs, see the respective acts of incorporation.

By an act passed March 19th, 1810, it shall not be lawful for any swine, hogs, shoats or pigs to go at large in the township of *Kingston*, in the county of *Luzerne*, whether yoked and ringed, or not, and particular proceedings are directed by this act, which is merely of local concern.