

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1728,  
and ended May 10th, 1729.

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PATRICK GORDON, LIEUTENANT GOVERNOR.

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1729.

### CHAPTER CCCL.

*An ACT for erecting of pounds in each township of this province.*

*BE it enacted*, 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 pound-keeper, in each township, for the year ensuing; which pound-keeper, 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 pound-keeper, and the places where the same are erected.

*II. And be it further enacted*, That whoever shall take up any stray horse or horses, cattle or sheep, trespassing within their in-

The inhabitants of every township to choose a pound-keeper,

who may agree to erect a pound where there is none.

Public notice to be given where the pound is erected.

Creatures trespassing to be deli-

1729. closures, 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 pound-keeper 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 neighbours living near to the place where the trespass was committed, to be nominated by the said pound-keeper.

His duty.

To give public notice within ten days.

What rates shall be taken by the pound-keeper.

No owner appearing within three months, the creatures may be sold, and the pound-keeper retain his rates.

III. *And be it further enacted,* That after any horses, cattle or sheep, shall be delivered to any pound-keeper, he shall forthwith enter the kind, colour 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 pound-keeper 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 pound-keeper 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 pound-keeper. 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 pound-keeper, 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 pound-keeper 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 monies 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 pound-keeper 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 re-payment of money arising by such sale to the said owner, all reasonable charges first deducted.

*V. And be it further enacted,* That if any person or persons shall, by force or otherwise, without the leave of the pound-keeper, 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.

*VI. And be it further enacted,* 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 an half high, and not under.

*VII. 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

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The overplus money to go to the overseers of the poor.

The owner appearing within nine months, re-payment may be ordered.

Forfeiture on taking away a creature impounded.

Overseers of the poor to assess money on the inhabitants for building a pound.

Persons refusing to pay, distress may be made on their goods, &c.

The height of lawful fences, (ante, page 14 and 15.)

The former act relating to pounds repealed, (chap. 241.)

1729. by this act; any thing in the said former act contained to the contrary in any wise notwithstanding. (*d*)

Passed 10th May, 1729.—Recorded A. vol. II. page 359.

(*d*) See chap. 56, (ante. pa. 13,) and 1807, (post. chap. 2865.) For the existing laws respecting swine, see ante. pa. 70, chap. 158, next following, and concerning strays, passed April 13th, chap. 303.

### CHAPTER CCCIII.

*A SUPPLEMENT to the act, entitled An Act to prevent swine running at large.*

WHEREAS by the said act, the relief provided for persons suffering by hogs trespassing in their fields or inclosures is limited to the extent of fourteen miles from the navigable parts of the river Delaware: Now, forasmuch as the country is become more populous, and it appears necessary to provide the same remedy for the inhabitants living in the other parts of this province: *Therefore be it enacted*, That the same penalties, rules and orders, enacted and directed to be observed by the aforesaid act within fourteen miles of the navigable parts of Delaware river, shall, within one month after the publication hereof, be in force, and extended throughout the province of Pennsylvania, as fully and amply as if the same act were again herein repeated and enacted; any limitation in the aforesaid act, for preventing swine running at large, to the contrary in any wise notwithstanding.

Former act extended throughout the province. Ante. pa. 70, and the notes thereto subjoined. See also the notes ante. p. 14 and 15

Passed 10th May, 1729.—Recorded A. vol. II. page 361.

### CHAPTER CCCVI.

*An ACT for erecting the upper parts of the province of Pennsylvania, lying towards Susquehanna, Conestogoe, Donegal, &c. into a county.* (*e*)

WHEREAS a great number of the inhabitants of the upper parts of Chester county have, by their petition humbly represented to the Governor and Assembly of this province, the great hardships they lie under, by being at so great a distance from the town of Chester, where the courts of justice are held, and the public offices kept:

(*e*) For a reference to the various acts respecting the borough of Lancaster, see chap. 748, chap. 1168, chap. 1617; and respecting the barracks in Lancaster, see chap. 1492.

For a reference to the various acts

respecting Chester county, see chap. 890, and the proper title in the index to this edition. For the act erecting a part of Chester into Delaware county, see chap. 1432. (*Note to former edition.*)