

TITLE II.
ANIMALS.

- Chap. 1....STRAY CATTLE, HORSES, AND SHEEP.
 “ 2....PRESERVATION OF SHEEP.
 “ 3....PRESERVATION OF GAME, ETC.
 “ 4....PRESERVATION OF MUSKRATS.
 “ 5....PROTECTION OF BREED OF HORSES.
 “ 6....REGULATIONS CONCERNING RAMS.
 “ 7....TRESPASSES BY SWINE.

CHAPTER 1.

STRAY CATTLE, HORSES, AND SHEEP.

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| 1. How estrays to be noticed and entered. | 4. Clerk's books to be kept open. |
| 2. When to be sold, and how. | 5. Clerk to advertise estrays. |
| 3. Penalty for not giving notice. | “ Atlantic excepted. |

REV. 288.
1837-8.
PAMPH. 229.

An Act concerning stray cattle, horses, and sheep.

Revision.....Approved April 10, 1846.

Estrays to be
noted and
entered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who, at any time hereafter, between the first day of November and the first day of April, in any year, shall discover any stray neat cattle, horses, or sheep upon his, her, or their improved lands, shall forthwith deliver to the clerk of the city, township, or precinct where such stray or estrays shall happen to be found, a note in writing containing their several ages, colours, and marks, natural and artificial, as near as may be, together with his, her, or their name or names and place or places of abode; which said clerk shall, on the receipt of every such note, forthwith make a full entry thereof at large in a book provided for that purpose, for which entry, so made, the said clerk shall have twenty-five cents, by the head, for all neat cattle and horses, and six cents for each sheep, to be paid by the person or persons delivering such note; and the person or persons delivering such note shall have for so doing twenty-five cents, by the head, for all neat cattle and horses, and six cents for each sheep, described in such note; and such person or persons may detain such stray or estrays until the owner or owners thereof shall appear and pay the fees, as well for delivering the said note as making the said entry, together with all reasonable charges for keeping the said

Fees.

estray or estrays, to be adjudged by any one indifferent freeholder, chosen by the parties; upon which the said estray or estrays shall be delivered to the said owner or owners.

2. *And be it enacted*, That if no owner or owners of such estray or estrays shall appear to claim the same, on or before the first day of May next after the making such entry as aforesaid, or if the said owner or owners shall refuse or neglect to pay the fees aforesaid and reasonable charges for the keeping, to be adjudged of as aforesaid, then the possessor of such estray or estrays shall within the space of five days give notice to one of the overseers of the poor of the said city, township, or precinct where the said estray or estrays was or were found, who is hereby required within five days after such notice given to set up advertisements in at least three of the most public places of the said city, township, or precinct, appointing the time and place of the sale of such estray or estrays at public vendue, not less than five nor more than ten days after setting up such advertisements, and shall, at the same time and place, proceed to sell the said estray or estrays at public vendue, to the highest bidder; and out of the moneys arising from such sale, the said overseer shall pay the possessor of such estray or estrays the fees of giving notice of and entering the said estray or estrays as aforesaid, and such charges for keeping the same as shall be adjudged by any indifferent freeholder, chosen by the overseer and the possessor, to be just and reasonable, whose determination shall be final; and the said overseer shall and may retain and keep to his own use ten per cent for his trouble in advertising and attending the said sale, and for defraying the charges and expenses thereof, and the remainder of the moneys arising from such sale shall be paid to the owner or owners of such estray or estrays, provided he, she, or they shall appear, demand the same, and make good his, her, or their title thereto within one year after the said sale; but if no owner or owners shall appear and make demand of the said overplus moneys, and show his, her, or their right to the same within the said year, then the said owner or owners shall for ever after be barred from recovering or having the said moneys, or any part thereof, and the said moneys shall thereupon be applied by the said overseer to the use of the poor of the city, township, or precinct where such estray or estrays shall have been sold as aforesaid; and the said overseer shall be accountable for the said overplus moneys to his successor in office, in the manner prescribed by law; and the said overseer is hereby authorized and required to give a receipt to the purchaser or purchasers of such estray or estrays, for any sum or sums which the same shall have been sold for, which

TITLE II.
CHAP. I.

In what case
to be sold.

Sale to be
advertised.

Proceeds,
how applied.

When owner
barred.

TITLE II.
CHAP. I.
Title vested
in purchaser.

receipt shall be a sufficient voucher for the payment of the same, and shall vest in the said purchaser or purchasers a lawful right and title to such estray or estrays, without his, her, or their being any further accountable to the owner or owners, or any other person whatsoever.

Notice of es-
trays to be
given.

3. *And be it enacted*, That any person or persons who shall at any time hereafter, between the first day of November and the first day of April, in any year, have any such stray neat cattle, horses, or sheep, as aforesaid, upon his, her, or their improved lands, or in his, her, or their possession, and do not acquaint the owner or owners therewith, or give the notice prescribed by this act within the space of twenty days after discovery or knowledge thereof, such person or persons so offending shall not only lose any demand he, she, or they might otherwise have had for keeping and feeding such estray or estrays, but shall also forfeit to the owner or owners thereof, for every such offence, the sum of six dollars for each and every such stray cattle or horse, and fifty cents for every sheep, to be recovered by action of debt before any one justice of the peace, with costs of suit; and if the said owner or owners shall not appear and prosecute the same within twenty days after the first day of April aforesaid, then the overseers of the poor of the city, township, or precinct where the said estray or estrays shall have been so concealed, upon notice thereof, are hereby required to prosecute the same to effect, and to apply the said penalty or penalties, when recovered, to the use of the poor.

Penalty for
neglect.

When over-
seer to pro-
secute.

Books kept
open.

4. *And be it enacted*, That the books so to be kept by the respective clerks of each city, township, and precinct, shall always by them be kept open and free for any person or persons who at any time may have occasion to search therein for any such estrays, and for which search such clerk shall not ask or receive any fee or reward, under the penalty of three dollars, to be recovered by the party aggrieved, in manner aforesaid, with costs of suit.

Clerks to ad-
vertise es-
trays.

5. *And be it enacted*, That it shall be the duty of the clerks of the different townships of this state to advertise all the estray cattle and horses recorded in the township book, their several ages, colours, and marks, natural and artificial, the person's name in whose possession the same are, the expenses to be paid by the owners of the estrays, and where no owner appears, by the moneys arising from the sale of the said estray or estrays, to be advertised in one of the newspapers in the county where the said estray is, and if no paper be published in said county, then in a newspaper published nearest to the same, once a week for the space of three weeks

from the first, immediately after said estray shall be recorded in his town book; *provided*, that the provisions of this section shall not apply to the county of Atlantic.

TITLE II.
CHAP. 2.

CHAPTER 2.

PRESERVATION OF SHEEP.

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| <ol style="list-style-type: none"> 1. Tax on dogs. 2. True account required. 3. Liability for harbouring. 4. Who authorized to kill. 5. Appropriation of tax. 6. Penalty for neglect to kill. | <ol style="list-style-type: none"> 7. Damages ascertained and paid. 8. Lists to be set up. 9. Sussex, how far affected. 10. Bergen, power to vary tax. 11. Marking regulated. 12. Illegal marking punished. |
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An Act for the preservation of sheep.

REV. 746,
754, 796.
HAR. 4, 106.

Revision....Approved April 14, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall keep or harbour a dog or bitch above the age of six months shall be taxed, yearly and every year, for one dog or bitch so kept or harboured, the sum of fifty cents, and for every additional dog or bitch above the age of six months the sum of one dollar; which tax shall be assessed and collected by the assessor and collectors appointed for the assessing and collecting the state, county, or township tax in the several townships of this state, in the same manner and at the same time as other annual taxes raised for the use of the state, county, or township shall be hereafter assessed and collected; *provided* Tax on dogs. Proviso. *al-*ways, that the inhabitants of the respective townships shall have power, at their annual town meetings, to lay any additional tax on dogs, not exceeding five dollars on each; and the same fees shall be allowed for assessing and collecting the same, as are allowed for assessing and collecting the said state, county, or township tax; and the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are or shall be authorized by law for neglect of duty in assessing and collecting taxes for the use of the state, county, or township.

2. *And be it enacted*, That every inhabitant who shall refuse or wilfully neglect to deliver in to the said assessor, when by him required, a true account of the number or age of the dog or dogs, bitch or bitches, made taxable by this act, and owned or harboured by him or her as aforesaid, he or she shall for every such refusal or

- TITLE II.
CHAP. 2.
- Penalty. neglect forfeit and pay the sum of two dollars and fifty cents, to be recovered, with costs, by the collector of the townships wherein the offence shall be committed, to and for the benefit of the townships.
- Persons har-
bouring, lia-
ble.
Proviso. 3. *And be it enacted*, That any person who shall keep or harbour any dog or bitch shall be considered liable to the yearly tax aforesaid; *provided also*, that it shall and may be lawful for the assessors of their respective townships to strike off his duplicate or rate-book the tax assessed against any person for a dog or dogs, on its being proved to the satisfaction of the assessor, by the owner thereof, that he, she, or they have killed, or caused to be killed, such dog or dogs before the delivery of the duplicate to the collector.
- Who may
kill. 4. *And be it enacted*, That it shall be lawful for any person to kill any dog or bitch which may be found chasing, worrying, or wounding any sheep or lamb.
- Appropri-
ation of tax. 5. *And be it enacted*, That the taxes collected by virtue of this act shall be appropriated to make good any loss or losses which may be sustained by any person or persons, by the destruction or wounding of his, her, or their sheep, within the township wherein said tax shall be collected, and shall be kept as a fund by the township committee for that purpose, who shall pay all such damage so sustained within the year, in case the money so raised by said tax shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, as the said fund arising from such tax will enable them to do, to be adjusted at the annual settlement of the accounts of said township by the township committee, and reported to the town meeting; and in case there shall remain in the hands of the township committee a surplus of money, after paying all the damages sustained as aforesaid, it shall be in the power of the inhabitants of such township, by public vote at their annual town meeting, to appropriate such surplus to any other township purposes, or to let the same remain in the hands of the township committee, to answer any damages as aforesaid which may be sustained in the next ensuing year, and so on from year to year, at the discretion of said inhabitants.
- Damages to
be paid. 6. *And be it enacted*, That if any dog or bitch shall be found killing, worrying, or wounding any sheep or lamb, and the owner or person harbouring any such dog or bitch, being informed thereof, shall refuse or neglect to kill such dog or bitch for the space of twenty-four hours from the time of receiving such information, such owner or person harbouring such dog or bitch shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars, to
- When owner
shall kill,
or penalty.

be recovered with costs, by action of debt, before any justice of the peace of the county; and moreover shall pay triple damages for any injury done by said dog or bitch to sheep or lambs, after receiving such information, to the owner or owners thereof.

TITLE II.
CHAP. 2.

7. *And be it enacted*, That when any person shall sustain damage or injury, by reason of his or her sheep or lambs being killed or wounded by a dog or dogs, wolf or wolves, it shall be lawful for such person to take two respectable freeholders of the township wherein such damage was done, who are in no wise of kin to the party so calling them, to view the sheep or lambs so killed or wounded; and if it shall appear to their satisfaction that the said sheep or lambs were killed or wounded by a dog or dogs, wolf or wolves, then the said freeholders shall make a return or certificate thereof in writing, stating the amount of damages such person may have sustained, which shall in no case exceed five dollars for one sheep or lamb so killed or wounded, which said certificate shall entitle the person so injured to the sum stated therein, as the damage sustained, to be paid by the township committee, in conformity to the provisions made therefor in the fifth section of this act; and in case the damage so certified shall appear to the town committee to be excessive, it shall and may be lawful for said committee to require the facts stated and claim exhibited to be investigated before them upon oath or affirmation, and shall award payment accordingly; *provided always*, that nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs as shall have committed the injury.

Damages ascertained.

and paid.

Claim may be investigated.

Proviso.

8. *And be it enacted*, That it shall be the duty of the assessors of the respective townships of this state to set up in at least five of the most public places in their respective townships, within ten days after having taken the annual list of the ratables, lists of the names of each person who shall have delivered to him an account of the dog or dogs, bitch or bitches, and the number given in by each person; and each assessor shall be entitled to receive, on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the moneys collected from the tax on dogs.

Lists to be set up.

Fee.

9. *And be it enacted*, That the fourth and sixth sections of this act, only, shall extend to the county of Sussex, and that the other sections of said act shall not extend to or be in force in that county.

Sussex, how far affected.

10. *And be it enacted*, That the inhabitants of the several townships in the county of Bergen may at their annual town meetings, by a majority of votes to be taken, lower the tax on dogs or bitches to any sum below the present tax; *provided* the tax so to be low-

Bergen may vary tax.

TITLE II.
CHAP. 3.

ered or brought down shall not be less than twenty-five cents on the first dog or bitch, and not less than fifty cents on a second one kept by the same person; and the said tax to be levied, collected, and applied as is directed in this act.

Marking regulated.

11. *And be it enacted*, That from and after the passing of this act, no person or persons within this state shall put, or cause to be put, any artificial mark, by cutting off, or what is more usually termed cropping, both the ears of any sheep or cattle, nor shall they cut or crop either ear more than one inch from the tip end thereof, nor shall cut or half-crop both the ears of any sheep or cattle, nor on either ear more than one inch from the tip end as aforesaid, nor shall he or they have or keep in his or their possession any sheep or cattle, which they shall claim as their own, marked contrary to this act, unless they were so marked before the passing of this act, except they shall make it appear they were bought in market or of a stranger.

Penalty for illegal marking.

12. *And be it enacted*, That any person or persons offending against the eleventh section of this act, on conviction thereof shall forfeit and pay two dollars, by the head, for all such sheep and cattle so by them marked or kept in their possession, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, one moiety to the overseers of the poor, for the use of the poor of the township where the offence shall have been committed, and the other moiety to the use of the person who shall prosecute the same to effect.

CHAPTER 3.

PRESERVATION OF GAME, ETC.

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| 1. Carrying guns, where prohibited. | 7. Owners excepted. |
| 2. Hunting deer, where prohibited. | 8. Watching with guns at night, where prohibited. |
| 3. If non-residents, what forfeiture. | 9. Season for killing deer. |
| 4. Who deemed guilty. | 10. Season for other game. |
| 5. What traps prohibited. | 11. Remedy against non-residents. |
| 6. Setting loaded guns prohibited. | |

REV. 25, 673. An Act for the preservation of deer and other game, and to prevent trespassing with guns.
1836-7.
PAMPH. 460.

1837-8.
PAMPH. 216.

Carrying guns, where prohibited.

Revision....Approved April 16, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall carry any

gun on any lands not his own, and for which the owner pays taxes, or is in his lawful possession, unless he hath license or permission in writing from the owner or owners or legal possessor, every such person so offending, and convicted thereof, either upon the view of any justice of the peace within this state, or by the oath or affirmation of one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this state, in which the offender or offenders may be taken or reside, he or they shall, for every such offence, forfeit and pay to the owner of the soil or his tenant in possession the sum of five dollars, with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of the soil or tenant in possession before any justice of the peace in this state, for the use of such owner or tenant in possession. TITLE II.
CHAP. 3. Forfeiture.

2. *And be it enacted*, That if any person shall hunt or watch for deer with a gun, or set in any dog or dogs to drive deer or any other game, on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he hath license or permission in writing from such owner or owners or legal possessor, every such person so offending, and being convicted thereof in manner aforesaid, shall for every such offence forfeit and pay to the owner of the soil or tenant in possession the sum of five dollars, with costs of suit; *provided*, that nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the highway in this state. Hunting deer, where prohibited. Forfeiture.

3. *And be it enacted*, That if the person or persons offending against this act be non-residents of this state, he or they shall forfeit and pay for every such offence fifteen dollars, and shall forfeit his or their gun or guns to any person or persons who shall inform and prosecute the same to effect, before any justice of the peace in any county of this state, wherein the offender or offenders may be taken or apprehended. Forfeiture, if non-resident.

4. *And*, for the better and more effectual conviction of offenders against this act, *be it enacted*, That any and every person or persons in whose custody shall be found, or who shall expose to sale, any green deer-skins or fresh venison killed at any time after the first day of January, and before the first day of September aforesaid, and shall be thereof convicted by the oath or affirmation of one or more credible witnesses, shall be deemed guilty of offending against this act, and be subjected to the penalties of killing deer out of season. Who deemed guilty.

5. *And be it enacted*, That if any person or persons within this state shall set any trap, or other device whatsoever, larger than What traps prohibited.

TITLE II.
CHAP. 3.

Forfeiture.

what is usually and commonly set for foxes and muskrats, such person setting such trap or other device shall pay the sum of fifteen dollars, and forfeit the trap or other device, and shall also be liable to make good all damages any person shall sustain by setting such trap or other device; and the owner of such trap or other device, or person to whom it was lent, shall be esteemed the setter thereof, unless it shall be proved on oath or affirmation what other person set the same, or that such trap or other device was lost by said owner or person to whom it was lent, and absolutely out of his power; and that the said trap or other device shall be broken and destroyed in the view and presence of the justice of the peace before whom they are brought.

Setting loaded guns prohibited.

6. *And be it enacted*, That if any person or persons within this state shall set any loaded gun in such manner as that the same shall be intended to go off or discharge itself, or be discharged by any string, rope, or other contrivance, such person or persons shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt by any person who shall sue for the same, and on non-payment thereof, shall be committed to the common jail of the county for six months.

Owners excepted.

7. *And be it enacted*, That nothing in this law shall be construed to extend to restrain the owners of parks or of tame deer from killing, hunting, or driving their own deer.

Watching with guns at night, where prohibited.

8. *And be it enacted*, That if any person or persons within this state shall watch with a gun on any unenclosed land within two hundred yards of any road or path, in the night-time, whether the said road is laid out by law or not, or shall stand or station him or themselves upon or within two hundred yards of any road as aforesaid, for shooting at deer driven by dogs, he or they so offending shall on conviction forfeit and pay the sum of fifteen dollars for every such offence, to be recovered by action of debt as aforesaid, and pay all damages.

Forfeiture.

Season for killing deer.

9. *And be it enacted*, That if any person or persons shall kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of August and the second day of January, yearly and every year, he, she, or they so offending shall forfeit and pay the sum of twenty dollars for each and every such offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence shall have been committed; one half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the

Forfeiture.

remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township. TITLE II.
CHAP. 4.

10. *And be it enacted*, That if any person or persons shall kill, destroy, or take any partridge, moorfowl, grouse, quail, or rabbit, except only between the first day of November and the tenth day of January, yearly and every year, or any woodcock, except only between the fifth day of July and the first of January, yearly and every year, he, she, or they so offending shall forfeit and pay, for every partridge, moorfowl, grouse, quail, rabbit, or woodcock, one dollar for each and every offence, to be sued for and recovered in an action of debt with costs of suit, by any person who shall sue for the same; and any person in whose hands or custody any partridge, moorfowl, grouse, quail, rabbit, or woodcock shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken, and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid; *provided nevertheless*, that no such person or persons shall be prohibited from gunning on his or their own land. Season for
killing other
game.

Forfeiture.

Proviso.

11. *And be it enacted*, That if any person or persons not resident in this state shall offend against any of the provisions of the first section of this act, it shall and may be lawful for the owner or owners of the said lands, or the possessor or possessors thereof, to apprehend any and every such person or persons so offending, and take him or them before a magistrate as soon as conveniently may be, in order that he or they may be dealt with according to law; and every such person who may perform this service shall be entitled to the same assistance and protection, and subject to the same restrictions and liabilities, as a constable would be on the same occasion. Remedy a-
gainst non-
residents.

CHAPTER 4.

PRESERVATION OF MUSKRATS.

1. When muskrats not to be killed. | 2. Penalty for illegal killing.

An Act for the preservation of muskrat fur.

MAR. 198.

Passed January 21, 1829.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it When musk-
rats may not
be killed.

TITLE II.
CHAP. 5.

shall not be lawful, after the passing of this act, for any person to catch, shoot, trap, or in any way kill, any muskrat or muskrats in this state, between the twentieth day of April and the first day of December, in every year, except such muskrat or muskrats be so caught, shot, trapped, or killed on the banks cast up to prevent the flooding of lowlands, or mill or forge dams, and the land thus embanked.

Penalty.

2. *And be it enacted*, That any person or persons violating this law, shall be liable to a penalty of four dollars for every muskrat so caught, shot, trapped, or killed, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person being an inhabitant of the state, in the name of the state of New Jersey; the one half to go to the person prosecuting, and the remaining half to and for the support of the poor of the township where the offence was committed.

Appropriation of.

CHAPTER 5.

PROTECTION OF BREED OF HORSES.

REV. 378.

An Act for preventing injuries to the breed of horses.

Passed March 15, 1798.

Penalty for suffering stone-horses to run at large.

1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That no person shall suffer a stone-horse of the age of eighteen months, whereof he is owner or hath the keeping, to run at large out of the enclosed ground of the owner or keeper; and whosoever shall wilfully or negligently do so, after having notice thereof, and been admonished to confine such horse, shall forfeit and pay the sum of ten dollars, to be recovered by any person who shall sue for the same, in an action of debt with costs of suit, in any court having cognizance thereof.

2. Repealer.

CHAPTER 6.

REGULATIONS CONCERNING RAMS.

1. Rams, when to be kept up. | 2. Remedy, if not kept up.

An Act concerning rams.

REV. 452.

Passed May 31, 1799.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That, Rams not to run at large when.
from and after the twentieth day of August until the first day of November, in every year, no ram shall be permitted to go at large out of the enclosure of his owner; but every ram shall, during the said period, be confined and kept within some enclosed pasture field or ground, secured by a fence so close and high as not to admit sheep to pass the same.

2. *And be it enacted,* That if, during the said period, any ram shall go over or break through the fence or enclosure of his owner, or shall trespass upon the enclosure of any other person, or shall run at large out of such enclosed pasture field or ground of the owner, it shall and may be lawful for any person to take the said ram and castrate him; or such person may impound the said ram, for which the owner shall pay fifty cents. Rams going at large or trespassing, remedy.

3. Repealer.

CHAPTER 7.

TRESPASSES BY SWINE.

1. Swine trespassing to be killed, | 3. Sold to pay damages.
2. Or damages recovered.

An Act concerning trespasses by swine.

REV. 377.

Passed March 15, 1798.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any freeholder within this state, his servant or tenant, finding swine trespassing on his or her enclosed land, to kill such swine, and inform the owner thereof, if easily to be found, and if no owner can be so found, or if found shall not Swine trespassing on enclosed lands may be killed.

TITLE II.
CHAP. 7.

appear and take such swine away, then the person injured shall, within fifteen hours after such killing, give notice to the overseers or overseer of the poor of the township, who shall dispose of such swine for the use of the poor of the township where the same was killed.

Or damages
for trespass
done by
swine to be
ascertained
and recover-
ed.

2. *And be it enacted*, That if any such person as aforesaid shall find swine trespassing on his or her land, for which he or she shall pay taxes, whether the same be enclosed or not, and do not choose to kill such swine, as in the preceding section is allowed and directed, then such person may take and put such swine into his or her yard or other enclosure, and give notice to the owner, if easily to be found, who shall pay double damages to the person injured, to be appraised and certified in writing by two reputable freeholders, to be chosen by the parties; and if the owner of such swine shall refuse or neglect, for twenty-four hours after notice, to choose one of the said appraisers, or if such owner cannot easily be found, then the person injured may choose them both himself; and in case the appraisers so chosen cannot agree in the appraisement to be made, then the said appraisers may choose a third person to join them therein, any two of whom agreeing, their appraisement, made and certified as aforesaid, shall be binding and conclusive, and double the sum so appraised shall and may be recovered by action of debt with costs of suit, in any court where the same may be cognizable.

In what ca-
ses swine
shall be sold
to pay the
damages.

3. *And be it enacted*, That if inquiry be made, and no owner appears and pays the damages so as aforesaid appraised, within three days after such appraisement, it shall and may be lawful for the person injured to set up advertisements, at three of the most public places next adjacent to where the trespass was committed, describing the number of the said swine, and the natural or artificial marks thereon; and if no owner shall appear within two weeks from the date of such advertisement, and pay the damage, and also the expense of keeping, to be appraised as aforesaid, then it shall and may be lawful for the overseers or overseer of the poor of the township where the said trespass was committed to sell the said swine, so advertised as aforesaid, at public vendue, and after paying the damage and expense of keeping, and retaining fifty cents for his or their attendance on the sale and collecting the money, to apply the overplus, if any there be, to the use of the poor of the said township.

4. Repealer.