

Lib. L. L.
No. 64.

as aforesaid shall omitt to take up drive in and keep up all such Horses Mares Colts or Geldings as are before mencon̄d, or intended by default whereof any such Horses Mares Colts or Geldings shall break into the pastures Corn-fields or other Inclosures of any Inhabitant within this Province within the time by this Act limited aforesaid the said Owner or Owners thereof having notice or warning thereof given him her or them two severall times by the party grieved and notwithstanding the Owner or Owners of such Horse or Horses Mares Colts or Geldings as aforesaid shall neglect to performe what is by this law injoynd and required that then it shall and may be lawfull for the person so greived & damnifyed to shoot Kill or Destroy all or any such Horse or Horses Mares Colts & Geldings as aforesaid.

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Provided allways that no person whatsoever tho: greived or Damnifyed shall presume to shoot Kill or Destroy any such Horse or Horses as aforesaid except upon his her or their proper Inclosed Ground within his her or their lawfull possession by lease for years yearly rent or other lawfull tenure upon the penalty of paying the Owner thereof the full value of such Horse Gelding Mare or Colt so Kill'd or Destroyd to be Recovered by Accon of Trespass or Action on the Case in any County Court of this Province.

And be it further enacted by the Authority aforesaid that if the Owner or Owners of any Such Horse or Horses Mares Colts or Geldings shall not be known to the party or partys greived or damnifyed as aforesaid he she or they so greived shall and are obliged with two Sufficient Evidences to take Notice of the Colour Naturall and Artificiall Marks of any such Horse Mare Colt or Gelding in writing and the same to affix and sett up at the most publiq place within the County where such Damage as aforesaid shall happen to be done for the Space of one whole Month Att the end of which no Owner appearing It then shall and may be lawfull for the partys greived to shoot kill or destroy the said Horse or Horses upon his her or their Lands as aforesaid.

And bee it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That whosoever shall unlawfully and without the Knowledge and Consent of the Owner take another Mans horse Mare or Gelding and the same keep one hour in his Possession and such horse Mare or Gelding shall without Consent aforesaid occupy in any Labour or travell shall not only pay Damages to the Owner but shall forfeit and pay the Sum̄e of five hundred pounds of Tobacco One half to the Informer the other half to the party grieved to be recovered in any County Court of this Province by Accon of Debt bill plaint or Information wherein no Essoyn protection or Wager of Law to be allowed.