

same to carry before the next magistrate, who shall be obliged to take an account of the marks of such beasts, both natural and artificial, which the persons aggrieved shall set up in the most public places in the same county, and until the owner shall be known, it shall and may be lawful for such injured person to use and employ such horses, mares and geldings, without incurring the penalties in this act therein after imposed, not injuring such beast by any careless or wilful means, which beast shall be delivered in good order to the person owning the same, proving his property by the testimony of one witness before any magistrate, which method, by experience, is found inconvenient to the owner or owners of such horses, mares or geldings, they being very often kept for a considerable time in the possession of the party by whom such horse, mare or gelding, are taken up, before the same comes to the knowledge of the owner of such horse, mare or gelding; for prevention whereof,

SEC. 2. *Be it enacted, by the right honourable the Lord Proprietary, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same,* That from and after the end of this session of assembly, the party grieved, who shall take up any such horse, mare or gelding, trespassing as aforesaid, shall be and is hereby obliged and directed to set up such account so taken by the magistrate as aforesaid, describing the marks of such beasts, both natural and artificial, at the court house door, and other public places in the county where such horse, mare or gelding, shall be taken up, within five days after such account taken, and moreover, cause the marks, natural and artificial, of such horse, mare or gelding, to be recorded amongst the records of such county court, within five days after such account shall be taken, and cause the same to be published in the Maryland Gazette in one month, if the said beast be taken up on the Western Shore, and in two months, if taken up on the Eastern Shore, after such account shall be taken, which publication shall be continued three weeks successively in the said Gazette, and the expenses arising thereon shall be paid by the owner or owners of such horse, mare or gelding, at the time of his receiving any such horse, mare or gelding, any law, usage or custom to the contrary in anywise notwithstanding.

Modified by 1830, ch. 56.

SEC. 3. *And be it further enacted,* That any person that shall take up such horse, mare or gelding, and that shall act contrary to the directions of this act, shall for every such offence forfeit the sum of ten pounds current money, one-half to the informer, the other half to the party grieved, to be recovered in any county court of this province, by action of debt,

Notice to  
be given,  
&c.

Penalty for  
not giving  
notice.