

C H A P. LII. V. 27.

Horse.

§. 1.
Claim.

EVERY Justice of Peace (after Sale in open Fair or Market of any stoln Horse, &c.) at any time within Six months next after the said *Sale, (or rather next after the Felony done) may take and hear the claim and proof of the right owner, (from whom the same was stoln, or of his Executors or Administrators, or other persons by their appointment;) which proof must be by two sufficient Witnesses upon Oath, to be made within Forty days next ensuing such claim. 31 Eliz. cap. 12.

* Lamb.
105. See
the Stat.

Also the same Justice of Peace may minister an Oath to the party that bought the said Horse, or that had the possession and interest of the same Horse, what Money he paid for the same *bona fide*, so as the right owner, repaying the same, may have his said Horse again. *Ibid.*

P. Fairs 1.
31 Eliz. 12.

Note, that in every Fair or Market where any Horses, Geldings, Mares or Colts are to be sold, there ought yearly to be appointed out one certain and special open place where the said Horses, &c. shall be sold; and one sufficient person or more to take Toll, who shall continue in the said place from the hour of Ten before Noon until Sun-setting every day of the afore-said Fair, 2 & 3 P. & M. cap. 7.

§. 2.
Market.

Also note, every Sale, or other putting away, in any Fair or Market, of any stoln Horse, &c. not being according to the Statute in every point, (*sc.* in every of these particulars following, as it seemeth) is void, to alter or take away the property of the Owner, from whom such Horse was stoln. *scil.*

2 & 3 P. & M.
7. 31 EL.
12. P. 5 & 7.§. 3.
Sale.

1. If the Horse be not, in the time of the said Fair or Market, between Ten of the Clock and Sun-setting, one hour together (at the least) in the open place of the Fair, &c. Where Horses are commonly sold, 2 P. & M. the Sale is void, &c.

2. If all the parties to the bargain being in the Fair shall not come together with the Horse to the Book-keeper to the open place appointed, 2 P. & M. the Sale is void, &c.

3. If the Book-keeper, Toll-taker, Bailiff, or other chief Officer of the same Fair or Market shall not take perfect knowledge of the Seller, or of the Voucher, *sc.* of their true Christian-name, Sir-name, mystery, and place of dwelling, or shall not enter all the same into his Book, the Sale is void, &c. And one Voucher is enough, if he be a sufficient and credible person.

31 Eliz.

4. But if the Voucher be not a sufficient and credible person, or if the Voucher shall not know the Seller indeed, or shall not truly declare to the Book-keeper, &c. the Christian-name, Sir-name, Mystery and place of dwelling, as well of himself as of the Seller, (as it seemeth) the Sale is void, &c.

31 Eliz.

5. If the Book-keeper, &c. shall not make entry into his Book of the true Price that the Horse is sold for, with the colour, and one special Mark at the least of the same Horse, &c. 2 P. & M. & 31 Eliz. the Sale is void, &c.

6. So if a true and perfect note in writing, of the name of the Seller or Voucher, and of their dwelling, &c. and of the price, be not given to the Buyer by the Book-keeper, &c. and subscribed with his hand.

31 Eliz.

7. And lastly, If Toll be not paid where Toll is due, or the Book-keeper not paid for the Entry, &c. *Vide 12 E. 4. fol. 8. Crompt. 91. Fi. 45.*

2 P. & M.

If the Thief which stealeth an Horse shall sell the same Horse in Market overt or Fair by a false name, and it is so entred into the Toll-book, such mis-

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