

3. But no injured person may kill such horses, &c. unless within his own proper inclosed grounds, on penalty of paying the owner the full value of such horse, &c. so destroyed.—*ibid.* § 5.

4. Persons unlawfully taking and keeping one hour in their possession, or riding or working any other man's horse, &c. without knowledge or consent of the owner (unless found trespassing, and the owner not known) shall pay damages to the owner, and also forfeit 50lb. tobacco, one half to the informer, the other half to the party grieved; to be recovered in the county court by action of debt, &c.—*ibid.* § 5.

5. Any stoned horse that hath been broke, being found loose and out of inclosure, may be taken up and impounded by any person whatsoever, and there detained till the owner shall pay 5s. or 60lb. tobacco to the person impounding such horse.—*ibid.* § 11.

6. Stoned colts about 18 months old or stoned horses unbroke, being found loose in the woods, or out of inclosure may be shot or destroyed by any person whatsoever, and the person sued for such shooting, &c. may plead the general issue, &c.—*ibid.* § 12.

7. No person, not having lands of his own, nor renting a plantation, shall keep any breeding mare in the woods; on penalty of 600lb. tobacco for every such mare; one half to the county charge, the other to the informer.—*ibid.* § 13.

8. Any horse, mare or gelding, that shall break into any inclosure, and the owner not known, may be taken up and carried by the party grieved before a magistrate; who shall take an account of the marks, both natural and artificial, of such beast which the said party shall set up in the most public places of the county, and then may use and employ such horse, &c. not injuring the same by careless or wilful means, till the owner be known: and shall deliver such beast in good order to the owner, proving his property by one witness, before any magistrate.—*ibid.* § 4.

9. The party grieved, who shall take up any such horse, &c. is hereby obliged to set up such account so taken by the magistrate, describing the marks of such beasts, at the court house door, and other public places in the county where such horse, &c. shall be taken up, within five days after such account taken; and cause the marks of such horse, &c. to be recorded in 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 taken on the western shore, and in two months if taken upon the eastern shore, after such account shall be taken, and continued three weeks in the said Gazette, and the expences arising thereon shall be paid by the owner of such horse, &c. at the time of his receiving the same.—1769, c. 18, § 2.

10. Any