

C. H. A. P.  
XXI.

every year, all owners of any horse or horses, mares, colts and geldings, shall and are hereby obliged to keep all such horse or horses, mares, colts or geldings, within good and sufficient enclosures, fenced grounds or pastures, upon the pains and penalties hereafter following.

After notice,  
horses may be  
shot, &c.

II. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That if the owner or owners of any such horse or horses, mares, colts or geldings as aforesaid, shall omit to take up, drive in, and keep up all such horses, mares, colts or geldings, and that such horses, mares, colts or geldings, shall break into the pastures, corn-fields, or other enclosures of any inhabitants within this province, within the time by this act limited as aforesaid, the said owner or owners thereof having notice or warning thereof given him, her or them, two several times by the party grieved, and notwithstanding the owner or owners of such horse or horses, mares, colts or geldings as aforesaid, neglecting to perform what is by this law enjoined and required, that then it shall and may be lawful for the person grieved and damaged, to shoot, kill or destroy any such horse or horses, mares, colts or geldings as aforesaid.

Proviso.

III. PROVIDED ALWAYS; That no person whatsoever, though grieved or damaged, shall presume to shoot, kill or destroy, any such horse or horses as aforesaid, except upon his, her or their proper enclosed grounds, within his, her or their lawful possession, by lease for years, yearly rent, or other lawful tenure, upon the penalty of paying the owner thereof the full value of such horse, gelding, mare or colt so killed or destroyed, to be recovered by action of trespass, or action on the case, in any county court of this province.

Stray horses,  
how to be  
taken up, &c.

IV. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That whenever any horse, mare or gelding, shall break into any corn-field, or other enclosure, and the owner be not known, that then, and in all such cases, it shall and may be lawful for the party aggrieved to take up such horse, mare or gelding so trespassing, and the 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 person 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 hereinafter 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.

By 1769, ch. 18, the party grieved shall set up such account, describing the marks, at the court-house door, and other public places, within five days, and cause them to be recorded, and also to be published in the Maryland Gazette, the expences to be paid by the owners; persons acting contrary to forfeit ten pounds.

Penalty for  
taking, &c.  
other mens  
horses, &c.

V. AND BE 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 man's horse, mare or gelding, and the same keep one hour in his possession, (except such horse, mare or gelding, be found a trespassing as aforesaid, and the owner not known,) and such horse, mare or gelding, shall, without consent aforesaid, occupy in any labour or travel, shall not only pay damages to the owner, but shall forfeit and pay the sum 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 action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Persons not to  
apply, &c.

VI. AND, forasmuch as divers complaints are made of the abuses committed by such persons that have obtained commissions from the government to range the woods and forests after wild neat cattle and horses, it is prayed that it may be enacted, AND BE IT ENACTED; *by the authority, advice and consent aforesaid,* That it shall not be lawful for any person, after the end of this present session of assembly, to make application to the governor, for the time being, to grant a commission to range as aforesaid, except such person produce a certificate from under the hands of the justices of the county courts where the said person is to range, setting forth, that he is of good fame.

Nor to depute  
any other, &c.

VII. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That no person, commissioned as aforesaid, shall depute any person as a deputy to range the woods and forests after wild neat cattle or horses as aforesaid, except such person be likewise approved of by the justices of the county in which he is to range as a deputy.

Penalty for  
taking up  
young cattle.

VIII. AND, forasmuch as it is necessary to declare at what age horses, mares and cattle shall be deemed wild, BE IT ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That