

C H A P.
XXXIII.

of the said doctor Clark, made by virtue of the act herein above recited, agreeably to the spirit and intention of the will of said doctor Clark, or to oblige the said Thomas Clark to pay over to the said children of the said doctor Clark their respective portions of the amount of said sales sooner than they would have been entitled to receive their portions of their said father's estate by virtue of his will, and the law of the land, if the above recited act had not passed or been confirmed.

C H A P. . XXXIV.

Passed De-
cember 26.

An ACT to repeal and alter part of an act of assembly therein mentioned.

Preamble.

WHEREAS under the twenty-first section of an act of assembly, passed at a session of assembly in the year seventeen hundred and ninety-three, entitled, An act to provide for the appointment of commissioners for the regulation and improvement of the town of Cambridge, in Dorchester county, and to establish and regulate a market in the said town, many inconveniences and injuries may arise; therefore,

Forfeitures,
&c. repealed,
&c.

II. *Be it enacted, by the General Assembly of Maryland,* That the forfeitures and penalties imposed and prescribed by the said twenty-first section of the aforesaid act, so far as the same may relate to geese and swine belonging to, and usually kept upon, any plantation or place without the limits of said town, whether such geese or swine be the property of any inhabitant of the said town, or of any other person, shall be and the same are hereby revoked and repealed, and in lieu of such forfeitures and penalties in the cases aforesaid, the owner or owners of such geese and swine shall be liable to forfeit and pay the sum of three-pence for every goose, and one shilling for every hog, so seized and secured, as directed by the aforesaid section of the said act, or by this act, to be retained by the bailiff for his trouble and expence in seizing, securing and keeping the same.

Geese, &c. in
certain cases
to be sold,
&c.

III. *And be it enacted,* That if, in the cases above mentioned, the owner shall not, within the space of two days after such seizure, apply for such geese or swine, and thereupon pay the said bailiff the sum above directed, the bailiff shall, not less than on one day's notice by advertisement at the court-house door, dispose of such geese and swine at public sale, and pay the money arising therefrom to the town commissioners, who shall allow the bailiff the sum of nine-pence for every goose, and one shilling and three-pence for every hog, for his trouble and expences as aforesaid, and retain for the benefit of the town the sum of nine-pence for every goose, and two shillings and six-pence for every hog, and upon application being made to them, shall pay the balance to the owner or owners, and unless such application be made to the said commissioners, or some one of them, within one month after such sale, or at the next stated meeting of the commissioners, the whole amount of such sales shall be forfeited for the use of the town; and all geese or swine, raised or kept within the said town, and being the property of any person not an inhabitant thereof, shall be liable to be forfeited, in the same manner, and under such circumstances, as they would be under the twenty-first section of the act aforesaid, if they were the property of an inhabitant of the said town.

Proviso.

IV. *Provided always; and be it enacted,* That the bailiff shall not be authorized, either by virtue of the twenty-first section of the act aforesaid, or of this law, to seize any geese or swine going at large in the said town, until after the commissioners shall have laid off and ascertained the limits of the said town, nor unless the same be found going at large in some of the ascertained and opened streets, lanes or alleys, of the same.

A private en-
closure may
be used, &c.

V. *And be it enacted,* That until a common pound be provided by the commissioners, it shall be lawful for the bailiff to make use of some private enclosure for the purpose of securing any geese or swine found going at large in the said town, and in such case shall, immediately upon the seizure and securing of any geese or swine, advertise the same at the court-house door.

VI. *And*