

CHAP. 116.

Money received to be applied to keeping roads in repair
Cattle so driven and suffered to run at large may be distrained

4. *And be it enacted,* That the money received, by and in virtue of this act shall be applied by the said levy court towards keeping the roads in said county in repair, and be credited to that part of the county tax levied for that purpose.

5. *And be it enacted,* That if any person or persons, not residents or citizens as aforesaid, shall drive or send any black cattle, horses or hogs, into the upper part of said county, and there leave them running at large, and not place them under the care, management or superintendance of a herdsman or herdsmen as aforesaid, it shall be the duty of the constable of the hundred to ascertain, as nearly as he can, the number of said black cattle, horses or hogs, so running at large, and to whom they belong, and distrain so many of them as will raise the tax herein before imposed, and upon ten days notice given in the neighbourhood where the said cattle, horses or hogs are so found running at large, and if the said tax be not paid on or before the day notified for the sale, to sell the same, (or as many thereof as will raise the amount due,) to the highest bidder, for ready money, for the purpose of paying said tax, and the costs of said distress and sale; and the said constable shall be entitled for each and every distress and sale by him so made, to the sum of one dollar, and seven and one half *per cent.* upon the amount of tax due, and shall account with the said levy court of said county for said tax so by him collected; at the same time as the herdsmen are hereby directed.

Herdsman to pay for license

6. *And be it enacted,* That each and every herdsman or herdsmen, upon application for a license as herein before directed, shall pay to the justice of the peace granting the same, and taking the bond of said herdsman or herdsmen, the sum of fifty cents, as a compensation for his trouble.

Penalty on persons disturbing any cattle, &c.

7. *And be it enacted,* That if any person or persons, shall hereafter dog, harrass, or otherwise disturb, or scare, by any devise or means whatsoever, any cattle, horses or hogs, placed under the care or management of any herdsman or herdsmen, licensed under this act, every person so offending, and being thereof convicted, shall forfeit and pay the sum of fifty dollars for each and every offence, to be recovered by indictment or presentment in the court of Allegany county, provided the same be prosecuted for within twelve months after the offence is committed, one half to the use of the informer, and the other half to the use of the county, to be applied as herein before directed; and it shall be the duty of every herdsman, licensed agreeably to this act, to attend to the cattle, horses or hogs, placed under his care, and see that they commit no trespass on the enclosure or enclosures of any person or persons in the neighbourhood where such cattle, horses or hogs, are herded, and shall moreover be liable in damages to any and every person or persons who may sustain any injury or damage by the trespass of any such cattle, horses or hogs, to be ascertained by any justice of the peace of said county, who is hereby authorised to grant judgment for the same, and issue execution therefor, as in cases of small debts.

Act repealed

8. *And be it enacted,* That the act passed at November session eighteen hundred and twelve, chapter fifty-seven, entitled, An act to prevent trespasses in Allegany county, and all the supplements to said act, be and the same are hereby repealed.