

strays, as shall be delivered to the owner thereof, within the said two months, & shall pay to the Register *six pence* for each copy of an entry transmitted to him as aforesaid; & the Register shall keep a book wherein he shall record all entries transmitted by the Town Clerk as aforesaid, & give out copies of the same when desired at the price of *six pence* for each copy, & for searching such record shall be allowed *two pence* & no more. And if any town Clerk or Register shall neglect or fail of doing his duty as by this act is provided & directed, their respective fees being paid, or tendered unto them as is in this act mentioned, he shall for every such neglect forfeit & pay the sum of *forty shillings*, one half to the use of the County and the other half to him or them that will prosecute & sue therefor.

Registers to record the same.

Penalty for neglect.

Penalty on the finder, for neglect of entering, crying, &c.

Penalty for taking off the wyth, &c.

No strays to be made at certain seasons of the year.

Former laws repealed.

And be it further Enacted, that if any finder of any lost goods, money or Stray beast of the value of *six shillings* or upwards, shall neglect to cause the same to be entred, Cried & posted up in manner & time, as before directed, or to wyth such Stray beast, he shall forfeit & pay the full value of such goods, money or Stray beast, one half to the use of the County, & the other half to him or them that will prosecute & sue for the same. And if the owner of any Stray beast, or other person, shall take off the wyth from the same, or take away such Stray beast before all the necessary charges arisen, for entring, crying, notifying keeping & appraising thereof be defrayed, such person so offending shall forfeit & pay unto the finder of such Stray beast the full value of the same.

And be it further Enacted, that no person from the fifteenth day of *April* to the first day of *November*, shall take up any horse, gelding, mare or other beast for a stray, unless such beast be taken damage feasant in some inclosure, & impounded for that, or some other sufficient cause.

And be it further Enacted, that all acts & laws heretofore passed relating to Strays & lost goods, be & hereby are repealed.

*February 13, 1789.**

1788. — Chapter 56.

[Printed with Perpetual Laws.]

AN ACT FOR REGULATING SWINE.

Be it enacted by the Senate and House of Representatives in General Court assembled & by the authority of

* Approved February 14, 1789.

the same, that there shall be appointed at the annual meeting in *March* or *April* in each town, in this Commonwealth, two or more persons for hogreeves, who shall be chosen and sworn in the same manner as other town Officers; whose duty it shall be to carry the regulations made by this Act into execution; and any person who shall suffer his Swine to go at large out of his inclosure, shall forfeit and pay *one shilling* for each Swine thus suffered to go at large, to be recovered with costs of suit by any hogreeve or other person who will sue therefor, before a Justice of the Peace in the same County, by action of debt, or by impounding such Swine. And when Swine are impounded, to recover the penalty incurred by this act, the owner, if known, shall be notified in the time and manner by law directed, and if unknown, such notice of the time, place, and cause of impounding shall be given as the law in that case hath directed; & if no owner appear within three full days after the impounding, to pay the forfeiture and charges and reasonable expence of keeping, or to replevy such Swine; the impounder may in writing apply to a Justice of the Peace of the same County or to the Clerk of the same town, and there file an information of the transaction upon oath; and if it shall appear from such information to the satisfaction of the Justice or Clerk that such impounder has complied with the directions of the law in such cases, then such justice or Clerk may issue a precept in form as hereafter prescribed, to any Constable of the same town, if the Constable himself is not the impounder, or interested; and if he is, to any other discreet or disinterested inhabitant of the same town, to sell the Swine, and after paying the impounder the fine and costs and expences, to be taxed and allowed by the Justice or Clerk, to deliver the surplussage into the town Treasury there to remain for the owner, deducting *one shilling* on the pound for the Treasurer's trouble, in case he shall appear and claim it within one year & a day from the time of issuing such Precept; but in case no owner appear within that time, such surplussage shall be one half to the impounder and the other half to the poor of the town, and be by the Treasurer distributed accordingly.

And be it further enacted; that the form of the Precept to be issued for selling Swine impounded to recover the forfeiture incurred by a breach of this Act, shall be in substance as follows:

Hogreeves to be annually chosen.

Penalty for suffering swine to go at large.

When swine are impounded, penalty how recovered.

[SEAL.] S — ss.

To either of the Constables of the town of

GREETING.

Form of a
precept for
selling swine
impounded,
for a breach of
this act.

Whereas *A. B.* of *B* —, in the County of *S* —, (addition) has this day given me information, that on the day of he found a Swine [*here insert the marks natural, and artificial if any, and such a description of the size and age, as can conveniently be done*] owned by *C. D.* of (addition) going at large in said town of *B* —, against the statute in that case provided; whereby the said *C. D.* forfeited the sum of *one shilling*; for the recovery of which he impounded the same Swine, and within twenty four hours then next following, gave him notice thereof in writing (or left a notification thereof at his dwelling house, as the case may be) and although three full days have elapsed since the impounding, yet he has not paid the said forfeiture and charges nor has he replevied the same Swine (or in case the owner is unknown, after the description of the Swine, its marks natural & artificial, let it be inserted belonging to some person unknown) at the time of impounding going at large against the Statute in that case provided, whereby the owner forfeited the sum of *one shilling*, for the recovery of which he impounded the same Swine, & within twenty four hours then next following caused notifications of the time, place and cause of impounding to be posted up agreeably to the directions of the law in such cases; And although three full days have elapsed since the impounding, no person hath appeared to pay the said forfeiture and charges, or replevied the same Swine, as by the information by him signed and sworn unto, with me now remaining appears :

These are therefore in the name of the Commonwealth of *Massachusetts* to will and require you, after you have posted up notifications of the time and place of sale, twenty four hours beforehand, to sell and dispose of the said Swine, at such time and place as you shall have thus appointed to the highest bidder, and from the monies arising upon the sale, you are to pay the said *A. B.* *one shilling* for the said forfeiture, and *shillings* and *pence* by me allowed for his costs, charges & expences, (according to the bill annexed) and *one shilling* and *six pence* more for this Precept, amounting in the whole to *shillings* & *pence*. And the surplus arising from such sale, deducting *three shillings* and *six pence* for your

own fees on the business, you are to pay over to the town treasurer of *B*—, to be disposed of as the law directs; and you are also directed to deliver the said Treasurer a copy of the information of the said *A. B.* as it is recited herein, together with a Certificate of the date of this process: And of this Precept, with your doings hereon, you are to make return into the Office of the Town Clerk of *B*—, in fourteen days from this time; Given under my hand and seal this day of *Anno Domini*

And when the Precept is directed to a particular person by name, because the Constable himself is the impounder or interested, such person shall be sworn faithfully and impartially to execute it, according to the tenor thereof.

Persons to whom the precept is directed, to be sworn.

Be it further Enacted, that any town may at the annual meeting in *March* or *April*, by a vote thereof give liberty for Swine to go at large during the whole or part of the year, in such town or in such parts thereof as the Town shall determine most for the benefit of the inhabitants; in which case it shall be lawful for any person residing therein to suffer his Swine to go at large accordingly, without incurring the forfeiture aforesaid, any thing in this act contained to the contrary notwithstanding. *Provided* such Swine shall be sufficiently yoked from the fifteenth day of *April*, to the first day of *November*, and constantly ringed in the nose all the time they shall be permitted to go at large.

Towns may, at their annual meetings, give liberty for swine to go at large.

And that it may be known what a sufficient yoking doth mean,

Be it further enacted, that a yoke which is the full depth of the Swine's neck, above the neck, and half so much below the neck and the soal or bottom of the yoke full three times as long as the breadth or thickness of the Swine's neck upon which it shall be placed, shall be deemed a sufficient yoking within the meaning of this act.

Proviso.

What shall be deemed a sufficient yoking.

*February 13, 1789.**

1788. — Chapter 57.

[Printed with Perpetual Laws.]

AN ACT FOR ESTABLISHING A SALARY OF A FIXED & PERMANENT VALUE FOR THE GOVERNOR, & REPEALING A LAW HERETOFORE MADE FOR THAT PURPOSE.

Whereas the Constitution of this Commonwealth provides that the Governor thereof shall have an honorable

Preamble.

* Approved February 16, 1789.