

be assigned to the creditor.

be transferred and assigned over to the creditor by the sheriff, with full power to enable him to put the same in suit; and the creditor shall recover the whole sum therein expressed, and the court shall make up judgment accordingly; and the sheriff delivering up such bond to the creditor, so assigned as aforesaid, shall not be liable to any action of escape for any prisoner enlarged upon security given in manner as aforesaid.

*Provided, always,*

Proviso.

[SECT. 4.] That the sureties be approv[e]d as sufficient, by the justices of that court before whom the cause upon such commitment is to be tried, or from whence execution issued, or any two of them being together, or by two justices of the county, *quorum unus*, as aforesaid, where the debtor is imprisoned, and no other surety to be accepted.

Limitation.

[SECT. 5.] This act shall continue and be in force for the space of five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed and published April 10, 1741.*]

## CHAPTER 23.

### AN ACT TO ENCOURAGE THE INCREASE OF SHEEP AND GOATS.

Preamble.

FORASMUCH as rams and he-goats going at large with ewes at all times of the year has, by long experience, been found prejudicial to the increase of sheep and goats,—

*Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

Rams and he-goats not to go at large, but at a certain season, under penalty.

[SECT. 1.] That, from and after the publication of this act, no rams or he-goats shall be suffered to go at large, or to be out of the enclosure of the owner thereof, from the tenth day of August till after the fifteenth day of November, annually, under the penalty of fifteen shillings for each and every ram or he-goat found out of the enclosure of the owner thereof, as aforesaid; said penalty or forfeiture to be paid, by the owner of such ram or he-goat, to the party finding and taking up the same going at large within the term above mentioned, and may be recovered by action of debt before a justice of the peace of the county where such forfeiture arises, or of the county where the owner may be found.

[SECT. 2.] And, in case the owner be not known, the person or persons who shall take up shall likewise secure and keep[c] such ram or he-goat, and, within twenty-four hours after, shall lodge a notification thereof in writing under his hand, with the town clerk of the town where such ram or he-goat was found going at large, setting forth the colour and marks, natural and artificial (if such there be), which clerk shall make and keep an entry or record thereof, and post up the same at the door of his dwelling-house, for the information of any inquirer, and for his service herein shall have two shillings paid him by the person lodging the notification as aforesaid.

Penalty for their going at large a second time.

[SECT. 3.] And, in case the owner or owners of any ram or he-goat so taken up and posted, shall, within five days next after such posting, repair to the party taking up the same, and shall pay or tender to him the before-mentioned forfeiture, together with the reasonable charges occasioned by taking up, keeping and posting as aforesaid, such ram or he-goat shall be again restored to the owner; but, if the owner do not

appear within the aforesaid term of five days, or should be a second time convicted before a justice of the peace of transgressing against this act; in either of the cases before mentioned, the ram or he-goat found going at large, and taken up pursuant to this act, shall be declared forfeit, and shall thenceforward be the sole property of the person or persons taking up and posting the same in manner as is before mentioned.

[SECT. 4.] This act to continue and be in force for seven years from the publication thereof, and no longer. *[Passed and published April 10, 1741.]* Limitation.

## CHAPTER 24.

### AN ACT TO PREVENT DAMAGE TO INDIAN CORN AND OTHER GRAIN.

WHEREAS, in many places within this province, great damage has of late been done in cornf[e]i[e]lds by crows and blackbirds strip[p]ing the ears of Indian corn, and plucking up the tender stalk when newly sprouted in the f[e]i[e]ld, and much stroy made of grain, and damage otherwise done, by water-rats, grey squirrels and ground squirrels; for the better preventing whereof for the future,— Preamble.

*Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That, from and after the publication of this act, whosoever shall kill any crows, blackbirds, water-rats, grey or ground squirrels within this province, and shall bring their heads unto any one of the selectmen of the town in which such crows, blackbirds, water-rats, grey or ground squirrels shall be killed, or to either of the selectmen of the town next adjacent, where any are killed being in no township, who shall cut the beaks from off the heads of such crows or birds, and shall cut both ears from off the heads of such water-rats, grey and ground squirrels, and such selectm[e][a]n shall give the party a receipt for the same, and the receipt to be given for blackbirds shall express whether they were grown or fledg'd or not; and such receipt, for either of the other species of creatures before enumerated, shall set forth whether, in his judgment, they be two months old or under. Premium allowed for killing crows, blackbirds, water-rats and squirrels, to be paid out of the town treasury.

[SECT. 2.] And, upon producing such receipt, the party shall be paid and allowed by the town treasurer, or selectmen where there is no treasurer, out of the town stock, for every dozen of blackbirds taken in their nests and not fledged, twelvecence; for the like number of blackbirds grown and fledged, three shillings; and so in proportion for any less or greater number; for each crow, sixpence; for every water-rat, grey squirrel and ground squirrel, fourpence. Premiums to be repaid out of the province treasury.

[SECT. 3.] And all such payments, so made, shall be allowed and paid by the province treasurer, upon his receiving a certificate under the hands of the major part of the selectmen of such town, and town treasurer (where any such is) or town clerk; which certificate shall be in the following form:—

These may certify that there has been paid out of the town stock of A., for fledged blackbirds, and blackbirds, not fledged; [and so *mutatis mutandis* for the other creatures before named] killed in or near unto this town, and within this province, since the day of last past; and the heads thereof brought unto one of the selectmen of said town, and their beaks (if Form of the certificate.