

*An Act, Ascertainin<sup>g</sup> the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses; and Restraining Horse-Rangers within this Province; and to Redress the great Evil accruing to this Province, by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods.* D<sup>o</sup> 81.

**B**E it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That all Inclosures by Fences, or otherwise, within the Intention of this Act, herein after mentioned, shall be Five Foot high: And from and after the First Day of *May*, till the next Tenth Day of *November* next, and so yearly, and every Year, all Owners of any Horse, or Horses, or Mares, or Colts, and Geldings, shall, and are hereby obliged, to keep all such Horse or Horses, Mares, Colts, or Geldings, within good and sufficient Inclosures, fenced Grounds, or Pastures, upon the Pains and Penalties hereafter following.

**A**ND 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 Inclosures, 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 damnified, to shoot, kill, or destroy, any such Horse or Horses, Mares, Colts, or Geldings, as aforesaid: Provided always, That no Person whatsoever, tho' grieved or damnified, shall presume to shoot, kill, or destroy any such Horse or Horses, as aforesaid, except upon his, her, or their proper inclosed Ground, 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 destroy'd; to be recovered by Action of Trespass, or Action on the Case, in any County-Court of this Province.

**A**ND 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 Inclosure, and the Owner be not known, that then, and in all such Cases, it shall and may be lawful for the Party agrieved, 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 agrieved shall set up in the most publick 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 herein after 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.

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