

her late Majesty Queen *ANNE*, of blessed Memory, to the End of this Sessions of Assembly, notwithstanding the Demise of the said Queen, or the Want of any Jurisdiction or Authority in the said Courts, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever.

*Provided always*, That this Act, nor any thing therein contained, shall not be construed to extend to take away such Errors in Law, as shall or may arise upon the Mis-issuing of Process, Mis-pleading and Erroneous rendering of Judgment in Point of Law; but in all such Cases the Parties grieved may have their Writ or Writs of Error upon such Erroneous Judgments, as they might have had before the making of this Act.

Excepting Errors not occasioned by said Demise.

*An ACT ascertaining 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.*

**B**E it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governour, 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, Mares, 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.

Fences to be Five Foot high.

And Horses to be kept within Inclosures.

*And 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 enjoyned 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.

Or after twice Notice to the Owners,

May be shot,

*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 Grounds, 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

In the Inclosures trespass'd on.