

April
1661

An act concerning The height of Fences.

Whereas diverse people of this Province have
and doo make insufficient Fences about their Corn
fields; whereby Cattell and horses are apt to goe in
and destroy the said Corn. For prevention of which
for the future,

Be it Enacted by the Lord Prop^{ty} with
the Consent of the upper and Lower Houses of this pro-
sent Gen^l Assembly that all Fences for Corn fields
within this Province shall be five foot in ~~the~~ height
round the said fields, sufficient and strongly made in the
Judgement of two indifferent men Viewing the same in
Case of trespass. And in case any horse or Horses or
any other Cattell shall leap over such Fence as aforesaid
That then the owners of such horse or Horses or other
Cattell shall be lyable to pay the trespass: And in case
the said Fence be not so high, that then the Owner or
Owners of such Cornfields shall bear their own loss
committed by such Horse, Horses or Cattell as aforesaid.
And in case any Inhabitant within this Province
shall venture to kill any Horse, Horses or other
Cattell, the party soe killing shall forthwith pay
unto the Party grieved soe much tobacco, as the County
Court where such offence is committed shall Judge the
damages or loss to be.

And Bee it further Enacted that all
Trespasses or other damages sustained on either party
shall be adjudged by the respective County Courts where
such