

Fences four feet
six inches high, to
be deemed lawful.

good, strong, and sufficient fences, four feet six inches in height, shall be deemed and adjudged lawful fences under this Act. *Provided always*, that nothing in this Act contained shall prevent the provisions of this Law from taking effect in any case where it shall appear that the breach into any field has been made in a place where the fence is lawful. *And provided also and be it further enacted*, that in cases where it shall be made to appear that the trespass has been committed by breaking through that part of a division fence which the owner of the trespassing cattle or swine ought to keep in repair, the want of reparation or defect of such fence shall not be deemed, taken, or considered to be any excuse for such trespass; any thing herein, or in the herein before recited Act, to the contrary notwithstanding.

V. *And be it further enacted*, That the said herein before recited Act and all other Acts relating to trespasses, shall remain in full force, except as herein before altered and amended.

CAP. XV.

An ACT for the establishment as public roads of all roads in this Province for which any public monies may have been or shall be hereafter granted.

Passed the 20th of March, 1821.

Preamble.

WHEREAS monies have been granted for the cutting, laying out, and improving various roads in this Province, at different Sessions of the General Assembly: And whereas no records have been made or kept of many of such roads, and the same are therefore liable to be shut up, or claimed as private

private property, and the public thereby deprived of the benefit of the same: For remedy whereof,

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That all and every road and roads in this Province, for and upon which any money has heretofore been appropriated and expended, or shall hereafter be appropriated by the Legislature out of the public monies of this Province, and expended, and of which no records have been heretofore made or kept, shall be deemed and used, and the same are hereby declared and confirmed to be public highways or roads, for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province," or under and pursuant to any Act of Assembly, passed or to be passed, for establishing and regulating highways in this Province.

All roads for which any money has been or shall be hereafter appropriated, to be public highways and roads.