



ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, WEDNESDAY, MAY 3, 1843.

ANNO SEXTO VICTORIÆ REGINÆ.

CAP. XXV.

An Act to amend the Laws now in force relating to Trespasses.

Passed 11th April 1843.

‘WHEREAS it is expedient to amend the Law in regard to Trespasses Preamble.
‘committed by the breach or escape of any Horse, Swine, Sheep, Goat
‘or Neat Cattle;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when hereafter any Horse, Swine, Sheep, Goat or Neat Cattle shall break or escape into any close, no action of trespass shall be maintained by or against any person for any damage arising therefrom, unless such close at the time and place, when and where such breach or escape took place, be enclosed by a good fence, at least four feet six inches high, except in cases where the party complained of shall either by agreement or otherwise, be bound to erect or keep in repair such fence at such time and place; or where certain waters or water fences, gate or gates, may agreeably to the provisions of any Act of Assembly, or any Regulation of Justices of the Peace in General Session, made in pursuance thereof, be deemed a sufficient protection: Provided always, that in any such action brought in the Supreme Court, the excuse of any such trespass by reason of the want or defect of such fence be specially pleaded by the party alleging the same; and provided also, that nothing in this Act shall be construed to extend to any trespass wilfully and wantonly committed.

No action of Trespass to be maintained for damage by cattle breaking or escaping into any close, unless close be surrounded with a good fence at least four feet six inches high.

Exceptions.

Proviso.

CAP. XXVI.

An Act relating to the Clerk of the Pleas.

Passed 11th April 1843.

1. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Clerk of the Pleas shall in lieu of all Fees whatever now or hereafter payable to or receivable by him as such Clerk, be allowed the sum of five hundred pounds, currency, per annum, payable quarterly.

Clerk of the Pleas allowed the sum of £500 in lieu of all fees.

II. And be it enacted, that the said sum of five hundred pounds shall be deemed a full compensation for the performance of all the duties of the Office of the said Clerk of the Pleas, and of any Deputy or Deputies, under Clerk or under Clerks, which he may from time to time appoint to assist him or to act in his stead, and for contingencies of Office.

£500 to be deemed a full compensation for all the duties of the office.

III. And be it enacted, That it shall be the duty of the said Clerk immediately, or within ten days after the last day of each and every Term, to pay over to the Treasurer of the Province for the Public use, all such Fees as he shall have received since the last preceding Term, together with a detailed Account or Return thereof, specifying the particular of such Fees and by whom paid; and it shall also be the duty of such Clerk annually, on the first Monday in January, or within ten days thereafter, to file in the Office of the Secretary of the Province, a copy of such Account or Return made up to the last day, inclusive of the Term next preceding the first Monday in January, in order that the said Account or Return may be laid before the House of Assembly at the then Sitzings or next Session of the Legislature.

Clerk to pay over quarterly to the Treasurer all fees received, and render a detailed account.