

no person shall remain so committed for a longer time upon any one conviction for the cause aforesaid, than eight days.

If offender is an alien or a squatter and has no means to secure the Penalty and Costs, the Justice of the Peace may commit the offender to Gaol.

V. And be it further enacted by the authority aforesaid, that whenever it shall appear to such Justice of the Peace by the oath of the prosecutor, or that of one witness, or by confession of the offender, that such offender is an *alien* or is a squatter, or that he has no real property or other means to secure the payment of such penalty and costs, such Justice of the Peace shall commit him to the common gaol for a time not exceeding thirty days nor less than eight days.

In cases of damages by the trespassing of Cattle or poultry, persons may lay their complaint before a Justice of the Peace.

VI. And be it further enacted, by the authority aforesaid, that when any person shall have sustained damage by the trespassing of cattle, poultry or other domestic animal, he may lay his complaint before one of the nearest Justices of the Peace, who by summons under his hand and seal, in the form prescribed in the Schedule (A) hereunto annexed, directed to any Bailif or Peace Officer, shall require the person against whom such summons shall be demanded to appear before him, and such Justice having heard the parties, shall refer the matter to two Arbitrators of whom each party shall name one, and who in case of difference of opinion shall name a third; and such Arbitrators shall take cognizance of the damages sustained, and report the same in writing to such Justice of the Peace; who shall thereupon allow the prosecutor the amount thereof, with the costs and charges of the view and report, and of prosecution, and in case the Defendant should refuse or neglect to pay the same within eight days, such Justice of the Peace shall cause the same to be levied by Warrant under his hand and seal, under the usual formalities: Provided always, that the damage have not been occasioned by the bad state of the Prosecutor's fence, nor by the want of one, and do not in the whole amount exceed the sum of four pounds, three shillings, and four pence currency: Provided further, that if the defendant make default, or refuse to name his arbitrator, then the Justice of the Peace shall appoint one in his stead, and the said Arbitrators before proceeding, shall make oath before a Justice of the Peace, well and faithfully to examine the matter, and make a faithful report to the best of their skill and understanding, and without any partiality or favour.

Provided the damage is not occasioned by the bad state of the fences and not to exceed a certain sum.

Provided.