

All persons liable to Statute Labour may be summoned to attend with shovels, to break the Roads in Winter.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Surveyors of Highways in their respective Districts, under the direction of the Commissioners of Highways, shall have full power and authority during the Winter season, to summon all persons liable to perform Statute Labour, to attend upon the Highways with their shovels for the purpose of shovelling Snow and assisting to break Roads in the same manner and subject to the like fines and penalties as persons who have a horse or teams are liable to, and to be recovered and applied in like manner.

5 W. 4, c. 2, s 23, in part repealed.

II. 'Whereas it is expedient to repeal so much of the twenty third section of 'the said recited Act as authorizes any person to do his tour of labour in any 'other Parish than that in which he may reside ;' Be it therefore enacted, That so much of the said twenty third section as authorizes any person to do his tour of labour or produce any certificate of the same having been done in any other Parish than that in which he resides, shall be and the same is hereby repealed.

Limitation.

III. And be it enacted, That this Act shall continue and be in force as long as the Act to which this is an amendment.

CAP. XXV.

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

Passed 11th April 1843.

Preamble.

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

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.

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.

Proviso.

CAP. XXVI.

An Act relating to the Clerk of the Pleas.

Passed 11th April 1843.

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

1. **B**E 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.

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

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