

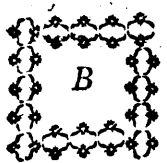
of Ten Shillings for each Day's Neglect, for each and every Person which should have been sent by him, and so in like Proportion for Oxen and Carts; to be recovered by Warrant of Distress, on Conviction before any one of His Majesty's Justices of the Peace for the County where the Offence shall be committed, and for want of Goods and Chattels to satisfy such Distress and Charges, the Lands of such Delinquent, or so much as shall be sufficient, shall be held and let out by said Justice until the Produce thereof shall amount to the Fine and Charges so levied, in the same Manner as is directed by Law for a Delinquent's Proportion of Assessments or Taxes for making and repairing Dykes; and the Monies arising from such Fines to be paid into the Hands of the Commissioners of Sewers to be appropriated for the making and repairing Dykes, in the Township, District, or Place, where the same shall be recovered.

To be recovered before any Justice of the Peace for the County,

and appropriated for making and repairing Dykes.

C A P. X.

An ACT for discharging the Penalties and Forfeitures in Bonds, Contracts, and Agreements, on Payment and Satisfaction of the principal Sum and Damages due upon the same.



E it Enacted by the Lieutenant Governor, Council, and Assembly, That in every Action upon any Bond, Contract, and Agreement, with Penalty for Performance of the Condition contained in such Bond, Contract, or Agreement, it shall and may be lawful for the respective Courts, where such Action shall be brought, upon due Proof of the just Sum due upon the Condition of such Bonds, Contracts, and Agreements, together with all such Damages and Costs as have been incurred by Non performance of the Condition, to direct and receive a Verdict for the Sum and Damages so proved at the Trial; and to cause Satisfaction to be entered upon the Judgment upon such Bond, Contract and Agreement, upon Payment of the Debt and Damages, so to be ascertained by Verdict or otherwise.

4. Ann. c. 16.

In Actions brought upon Bonds, &c. with Penalties, Verdict shall be only for the Sum justly due.

II. *And be it further Enacted,* That when any Action of Debt shall be brought on any single Bill, or where Debt or *Scire facias* shall be brought on any Judgment, if the Defendant hath paid the Money, such Payment may be pleaded in Bar; and where Debt is brought on any Bond which hath a Condition or Defeazance to make void the same upon Payment of a lesser Sum, if the Obligor,

In Action of Debt brought on single Bill or Judgment, after Money paid, such Payment may be pleaded in Bar.

his Heirs, Executors, or Administrators, have, before the Action brought, paid the Principal and Interest due, though such Payment was not made strictly according to the Condition of the De-feazance, yet it may be pleaded in Bar, and shall be as effectual as if the Money had been paid at the Day and Place according to the Condition, and had been so pleaded.

Principal and Interest on Bonds, &c. being paid in Court, &c. the Court may discharge the Defendant.

III. *And be it further Enacted*, That if at any Time pending an Action upon such Bond with a Penalty, the Defendant shall bring into Court the Principal and Interest due, and all Costs already expended in any Suit in Law or Equity upon such Bond, the Money shall be taken in Satisfaction of the Bond, and the Court shall give Judgment to discharge such Defendant.

C A P. XI.

An ACT to prevent the malicious killing or maiming of Cattle.

22. & 23. Car. 2.
c. 7. s. 5.

Treble Damages for killing or maiming of Cattle.

Be it Enacted by the Lieutenant Governor, Council, and Assembly, That if any Person or Persons, shall maliciously, unlawfully, and willingly, kill, maim, wound, or otherwise hurt, any Horses, Sheep, or other Cattle, every such Offender or Offenders shall lose and forfeit unto the Party grieved, Treble the Damage which he or they shall sustain, to be recovered by Action of Trespas, or upon the Case, in any of His Majesty's Courts of Record in this Province.

C A P. XII.

An ACT in further Addition to, and in Amendment of an Act made and passed in the Thirty Second Year of His late Majesty's Reign, intituled *An Act for preventing Trespas*.

25. Geo. 2. c. 14.

Preamble.

HEREAS the common Method of fencing is generally with Poles in the Manner of Virginia Fence, which Kind of Fence is not clearly expressed in any former Act of this Province relating to Trespas; *Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly*, That the Pole Fence,