

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 Inter-
est on Bonds, &c.
being paid in
Court, &c. the
Court may dis-
charge the Defen-
dant.

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 mai-
ming 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 As-
sembly*, That if any Person or Persons, shall maliciously, unlawfully, and willingly, kill, maim, wound, or other-
wise 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 Amend-
ment of an Act made and passed in the Thirty Se-
cond Year of His late Majesty's Reign, intituled *An
Act for preventing Trespas*ses.

25. Geo. 2. c. 14.

Preamble.

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

as is now commonly used, or any other Fence made of Brush or other Materials, to the Judgment of the Fence Viewer, shall be deemed and held to be lawful, and if any dispute shall arise thereon, the same shall be adjudged and determined immediately and without Delay by any two Men of known Reputation, to be mutually chosen by the Parties, which two Men, together with the Fence Viewer, or the Majority of them, shall and are hereby impowered to determine the same; and in Case either of the said Parties shall neglect or refuse to make such Choice and Appointment, then the said Choice shall and may be made by the Party willing and ready to do the same; any Law, Usage, or Custom to the contrary notwithstanding.

Pole Fences &c. to be deemed lawful, according to the Judgment of the Fence Viewer, &c.

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