

IV. *And whereas*, it is necessary, in order to prevent a multiplicity of suits; that when any person is sued, pursuant to the directions of the said Acts, that he or she should be compelled to bring forward his or her set off, (if any they have,) against the Plaintiff at the trial.

Defendants not bringing forward their set off precluded for ever from suing for the same.

Be it therefore further enacted, That when any Defendant is proceeded against under the said Acts, shall refuse or neglect to bring forward his or her set off, (if any they have) against the Plaintiff at the time of such trial, that he or she shall ever after be precluded from suing for the same; and if any such suit be brought, it shall be a sufficient defence on the trial thereof, that the demand sued for, could have been, on a former trial, set off or recovered.

CAP. XXII.

An Act for the more summary punishment of Persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle.

Passed 8th March, 1850.

L. *BE* *it enacted by the President, Council, and Assembly*, That if any Person or Persons, shall maliciously, unlawfully, and wilfully, kill, maim, wound, disfigure, or otherwise injure, any Horses, Neat Cattle, Swine, Sheep, or other Cattle, it shall be lawful for two Justices of the Peace in the County, where such offence may be committed; upon complaint of the party aggrieved, to hear and determine such offence, and the offender or offenders, upon conviction thereof, shall forfeit and pay to the party aggrieved, such damages as the said Justices shall assess under all the circumstances of the case, provided that the same do not exceed the sum of Ten Pounds, to be levied upon the offender

Persons maliciously killing or injuring Horses, &c. to forfeit to the party aggrieved such damage not exceeding £10, as two Justices shall award.

offender or offenders' goods and chattels, and for want of such goods and chattels to satisfy the same, that the said offender or offenders shall be committed to the Gaol of the County, there to remain for a space of time not less than thirty nor more than sixty days, unless such damage, with costs incurred, shall be sooner paid.

For want of sufficient distress offender to be imprisoned not less than 30 nor more than 60 days, unless damages and costs be sooner paid.

II. And for the more effectual prosecution of the offence punishable upon Summary Conviction by virtue of this Act. *Be it enacted*, that when any person or persons shall be charged before any Justice of the Peace with such offence, the Justice may summon the person or persons charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons, and if he shall not appear, then upon proof of the due service of the summons upon such person or persons by delivering a Copy of the same to him, her or them, the Justices may proceed to hear the case, *ex-parte*, or issue their Warrants for apprehending such offender or offenders, and bring him, her or them before the said Justices; or if the Justice, before whom the charge is made, shall think fit, he may issue his Warrant in the first instance without any previous Summons.

Mode of prosecuting offences under this Act.

III. *Provided always, and be it further enacted*, That the prosecution for every offence punishable on Summary Conviction, by virtue of this Act, shall be commenced within six months after the commission of the offence, and not otherwise.

To be prosecuted within six months after commission of the offence.