

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5 W. 4, c. 2, s 23, in part repealed.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of the same having been done in any other Parish than that in which he resides, shall be and the same is hereby repealed.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.

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.

Exceptions.

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

which he may from time to time appoint to assist him or to act in his stead, and for contingencies of Office.

III. And be it enacted, That it shall be the duty of the said Clerk immediately, or within ten days after the last day of each and every Term, to pay over to the Treasurer of the Province, for the public use, all such Fees as he shall have received since the last preceding Term, together with a detailed Account or Return thereof, specifying the particular of such Fees and by whom paid; and it shall also be the duty of such Clerk annually, on the first Monday in January, or within ten days thereafter, to file in the Office of the Secretary of the Province, a copy of such Account or Return made up to the last day, inclusive, of the Term next preceding the first Monday in January, in order that the said Account or Return may be laid before the House of Assembly at the then Sittings or next Session of the Legislature.

Clerk to pay over quarterly to the Treasurer all fees received, and render a detailed account.

IV. And be it enacted, That the Judges of the Supreme Court, or any three of them, shall have power from time to time to make such Rules and Regulations as they may deem advisable, as to the mode and time of payment of such Fees by the respective Attornies and Officers of the said Court and all other persons, having respect in such Rules to the amount of such Fees and the state of the Province.

Judges of the Supreme Court empowered to make Rules relative to the mode and time of payment of fees by Attornies, &c.

V. And be it enacted, That there shall be hereafter paid to the Honorable George Shore, the present Clerk of the Pleas, during his incumbency of the said Office, the sum of four hundred pounds per annum, in quarterly payments, in addition to the Salary fixed by the first Section of this Act for the Clerk of the Pleas.

£400 per annum to be paid to the present Clerk in addition to the salary of office.

VI. And be it enacted, That the several and respective sums of money herein before mentioned, shall be paid by the Treasurer by Warrant of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, out of the monies in the Treasury or as payment may be made at the same.

Money to be paid by Warrant on the Treasury.

VII. And be it enacted, That any Clerk of the Pleas hereafter appointed shall be a Barrister of the Supreme Court of this Province, and shall not be allowed to practice in any Court in this Province during his incumbency of the said Office.

Clerk of the Pleas to be a Barrister, and not to practice during incumbency of office.

VIII. And be it enacted, That this Act may be amended during this Session of the Legislature.

Act may be amended.

IX. And be it enacted, That this Act shall come into operation and take effect on the first day of October next, and all Fees payable for any service performed or act done by such Clerk, on or after that day shall be paid over to the Treasurer of the Province.

Commencement of Act.

CAP. XXVII.

An Act to continue an Act, intituled *An Act to extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage beyond the limits now prescribed by Charter.*

Passed 11th April 1843.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage beyond the limits now prescribed by Charter*, be and the same is hereby continued and declared to be in full force until the first day of April, which will be in the year of our Lord one thousand eight hundred and forty eight.

3 v. c. 70, continued to 1st April, 1848.