

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1843. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1843.

6 Victoria – Chapter 25

An Act to amend the Laws now in force relating to Trespasses. Passed 11th April 1843.

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;

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.