

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 obliger, 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 defeazance, 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.

In action of debt brought on single bill or judgment, after money paid, such payment may be pleaded in bar.

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.

Principal and interest on bonds, &c. being paid in Court, &c. the Court may discharge the defendant.

CAP. XI.

An ACT to prevent the malicious 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 trespass, or upon the case, in any of His Majesty's Courts of Record in this province.

22. and 23. Car. 2. c. 7. §. 5.

Treble damages for killing or maiming of cattle.

Repealed 1824.

CAP. 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, entitled, An Act for preventing Trespasses.

WHEREAS 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 trespasses; 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 empowered 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.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 14.

Preamble.

Pole fences, &c. to be deemed lawful, according to the judgment of the fence viewer, &c.

CAP. XIII.

An ACT for granting to His Majesty, a Duty on Wheel Carriages within the Peninsula of Halifax.

Expired.