

IV. *And be it also further enacted*, That in case of any sudden breach in any dyke, or where the same is likely to be made, or inundation occasioned by high tides, storms or otherwise, each and every owner or possessor of land within such dykes, shall immediately on notice given by one or more of the commissioners, repair to the place directed with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such breach, and shall continue to work from day to day, so long as the commissioners of sewers shall judge necessary, or shall forfeit and pay over and above their tax or assessment, the sum of ten shillings for each day's neglect, and so in proportion for oxen and carts, to be recover'd in manner and applied to the uses aforesaid.

Sudden breach of dykes, every proprietor shall forthwith repair to the place.

Penalty on neglect.

V. *And be it further enacted*, That when the sod or soil shall have been cut off the lands of any proprietor in any tract of marsh dyked in common with other proprietors, for the purpose of dyking in the same, or when the land of such proprietor shall have been washed away by the tide or current of the river, or when by means of making new dykes for securing the marsh land so dyked in common, such proprietor shall have lost the whole or part of his lot, it shall and may be lawful for the commissioners of sewers to cause a just valuation to be made of such loss, by five disinterested freeholders who shall be sworn truly and impartially to value the same, and in case there be in such tract a sufficient quantity of land lying in common and undivided, to make good the loss so sustained, the commissioners shall deliver possession of so much thereof as is sufficient to make good the loss to such proprietor, by an assessment to the value thereof to be paid in a just and equal proportion by the other proprietors interested in such tract or piece of marsh land.

When sods and soil are cut for repair &c. the owners to be made good.

VI. *Provided always*, That any person aggrieved by any procedure of such commissioners may prefer his or their complaint by way of appeal to the governor and council for relief; at any time within six months, who are hourly authorized to grant redress, and on any groundless complaint, to tax double costs in favor of such commissioners.

Appeal to the Governor and Council.

## CAP. XLVI.

### An ACT for confirming unto the CITY of SAINT JOHN its RIGHTS and PRIVILEGES.

I. *Be it enacted by the Governor, Council and Assembly,*

THAT the mayor, aldermen and commonalty of the city of Saint John, shall and may forever hereafter remain, continue, and be a body corporate and politic, *in re facta et no-*

Mayor, Aldermen and Commonalty of the city of St. John to be a body corporate,

*mine,*