

shilling, for every authentic copy, signed by him, six shillings and eight pence, if under one hundred words, and for every hundred words more, at the rate of one shilling for every one hundred words.

See for the same

CAP. III.

An ACT in further addition to an Act, made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

WHEREAS many persons are great sufferers by the cutting of sods or soil, for the making of dykes, and others are also sufferers by the washing away of considerable pieces of marsh-land, which were allotted to them as part of their share, in tracts of marsh land, divided between them and other proprietors, in the townships in this Province, owing to the dykes made to secure the whole concerned in said marsh land, and that it is reasonable some compensation should be made for such loss so sustained:

For Acts in amendment or addition to this Act see 34th Geo. 2d cap. 7.

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That when it shall appear that the sods or soil shall have been cut off the land of any proprietor, in any tract of marsh land dyked in common with other proprietors, for the purpose of dyking in the same, or, that the land of such proprietor shall have been washed away by the tide or current of the river, and that by the making of new dykes, to secure the said piece or tract of marsh land so held in common, such proprietor shall have lost a part or the whole of his lot, it shall and may be lawful for the Commissioners of Sewers of the township, to cause a just valuation to be made of the loss, such proprietor shall have sustained as aforesaid, which valuation shall be made by at least five freeholders, not interested in the piece or tract of marsh, where such loss shall have been sustained, who shall be sworn truly and impartially to value the same; and if it shall happen that there is in such tract or piece of marsh-land, a sufficient quantity thereof, lying in common and undivided, to make good the loss so sustained, the Commissioners of Sewers shall decree possession thereof, or of so much thereof as is sufficient to make good the same to such proprietor; or, on failure of such undivided land, by an assessment for the value thereof, to be paid in a just proportion among the other interested in such piece or tract of marsh land.

Where Sods or Soil shall be cut off the land of any proprietor, for making dykes in common such person shall be compensated. Mode of redress.

CAP. IV.

An ACT to explain so much of an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for preventing Trespasses, as relates to the regulating Fences.

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

Preamble.

WHEREAS doubts have arisen in regard to the intent and meaning of that part of the second section of the Act made in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing Trespasses, which relates to the fences to be made by the owners and proprietors of fields lying and being adjoining to other inclosed fields:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That all partition fences, between lands under improvement, shall be made and maintained from time to time, in equal proportion, by the owners or proprietors of such lands respectively. But when it shall happen that it shall be wood, barren or burnt land, and not under any improvement, no proprietor shall be obliged to make any part of the fence to said wood, barren or burnt land; any law, usage or custom to, the contrary notwithstanding.

Expence of erecting partition fences between lands under improvement; and Lands unimproved.