

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 nomine,*

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

porate and poli-
tic and to sue &c.
by that name.

mine, by the name of the mayor, aldermen and commonalty of the city of Saint John, and by that name sue and be sued, plead and be impleaded, answer and be answered unto, without any seizure or forejudger for or upon any pretence of any forfeiture or misdemeanour at any time heretofore done, suffered or committed.

All letters patent
&c. to the mayor
&c. declared
good.

And that all and singular letters patent, grants, charters and gifts, sealed under the great seal of this province, heretofore made and granted unto the mayor, aldermen and commonalty of the city of Saint John, be and are hereby declared to be and shall be good, valid, perfect, authentic and effectual in the law, and shall stand and be taken, reputed, deemed and adjudged good, perfect, sure, available, authentic and effectual in the law, against the King's Majesty, his heirs and successors, and all and every person or persons whomsoever, according to the tenor, and effect of the said letters, patent grants, charters and gifts, and that the same be and are to all intents and purposes hereby ratified and confirmed.

Mayor &c. and
successors shall
forever hold &c.
all the rights
heretofore gran-
ted.

II. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of Saint John and their successors, shall and may forever hereafter peaceably have, hold, use and enjoy, all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments, which have heretofore been given or granted unto the mayor, aldermen and commonalty of the city of Saint John by any letters patent, grant, charter, or gift, sealed under the seal of this province.

This act shall be
accepted &c. to
be a public act.

III. *And be it further enacted*, That this present act shall be accepted, taken and reputed to be a public act of which all and every the judges and justices of this province in all courts and all other persons shall take notice on all occasions whatsoever, as if it were a public act of Assembly relating to the whole province, any thing herein contained to the contrary thereof in anywise notwithstanding.

CAP. XLVII.

An ACT for the better extinguishing FIRE S that may happen within the CITY of St. JOHN.

Preamble.

WHEREAS the inhabitants of the city of St. John have at great charge and expense supplied themselves and are provided with two fire engines, and have undertaken to procure various

various

*Uiel: Act in addition
post pa: 16A.*