

‘ pulled down by the Public Authorities, in order to stop the further spread of
 ‘ the Fire which happened in August, in the year one thousand eight hundred
 ‘ and forty one, but which was arrested before reaching his said Premises, and all
 ‘ further devastation stayed, and it seems reasonable that such loss should be pro-
 ‘ portioned among such of the neighbouring premises as may have been in danger
 ‘ thereby;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, if they shall be satisfied the circumstances of the case require it, to issue their Warrant of assessment directed to the Assessors of Taxes for the said Parish, requiring them to assess such persons, being owners of any Houses, Stores, Warehouses, Workshops, Mills, Foundries or other Buildings situate in the vicinity of such Fire, as to the said Justices may seem just and meet, regard being had in making up such assessment to the relative value of the buildings so to be assessed, and the benefit derived to the owners thereof from the pulling down of the House of the said Angus M’Affee, for such sum of money for the reimbursing the said Angus M’Affee, for the pulling down and destruction of his premises herein before mentioned, or such part thereof, together with the expenses of assessing, levying and collecting the same, as they may deem expedient; such assessment to be made by such a rateable proportion on the value of the property of the Proprietors as aforesaid, as will produce the sum so ordered to be assessed, and when assessed, the same to be levied, collected and paid over to the said Angus M’Affee, and the Assessors and Collectors respectively, in the same manner as any other County Rates are collected, levied and paid under and by virtue of any Act or Acts of Assembly made or to be made in this Province: Provided always, That nothing in this Act contained shall give power to the said Justices to make an assessment for the purpose aforesaid, exceeding in amount the sum of fifteen pounds.

Justices in General Sessions may assess a portion of the Parish of Portland to reimburse Angus M’Affee for the pulling down of his House.

Assessment not to exceed £15.

CAP. XXIV.

An Act to amend the Laws now in force relating to Highways.

Passed 11th April 1843.

‘ **W**HEREAS by the twenty ninth section of an Act made and passed in
 ‘ the fifth year of the Reign of His late Majesty William the Fourth,
 ‘ intituled *An Act to repeal all the Laws now in force for regulating, laying out and*
 ‘ *repairing Highways and Roads, and for appointing Commissioners and Surveyors*
 ‘ *of Highways in the several Towns and Parishes in this Province, and to make more*
 ‘ *effectual provision for the same,* it is provided that the Surveyors of Highways
 ‘ respectively, by the direction of the Commissioners or any of them, shall have
 ‘ full power and authority, and they are thereby required during the Winter
 ‘ season to summon such and so many of the Inhabitants having a horse, horses,
 ‘ oxen or teams in their respective Districts, as they in their discretion shall think
 ‘ fit, to make Roads in the Snow, whenever the depth of Snow shall render the
 ‘ same necessary, not exceeding four days in each Winter, and at no greater
 ‘ distance than three miles from their own houses: And whereas it is deemed
 ‘ necessary to extend the provisions of the said Section to compel the calling out
 ‘ of all persons to break Roads, although they may not be in possession of a horse,
 ‘ horses or teams; for remedy whereof,’

Preamble.

5 W. 4, c. 2.

All persons liable to Statute Labour may be summoned to attend with shovels, to break the Roads in Winter.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Surveyors of Highways in their respective Districts, under the direction of the Commissioners of Highways, shall have full power and authority during the Winter season, to summon all persons liable to perform Statute Labour, to attend upon the Highways with their shovels for the purpose of shovelling Snow and assisting to break Roads in the same manner and subject to the like fines and penalties as persons who have a horse or teams are liable to, and to be recovered and applied in like manner.

5 W. 4, c. 2, s 23, in part repealed.

II. ' Whereas it is expedient to repeal so much of the twenty third section of ' the said recited Act as authorizes any person to do his tour of labour in any ' other Parish than that in which he may reside ;' Be it therefore enacted, That so much of the said twenty third section as authorizes any person to do his tour of labour or produce any certificate of the same having been done in any other Parish than that in which he resides, shall be and the same is hereby repealed.

Limitation.

III. And be it enacted, That this Act shall continue and be in force as long as the Act to which this is an amendment.

CAP. XXV.

An Act to amend the Laws now in force relating to Trespasses.

Passed 11th April 1843.

Preamble.

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 ;'

No action of Trespass to be maintained for damage by cattle breaking or escaping into any close, unless close be surrounded with a good fence at least four feet six inches high.

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.

Exceptions.

Proviso.

CAP. XXVI.

An Act relating to the Clerk of the Pleas.

Passed 11th April 1843.

Clerk of the Pleas allowed the sum of £500 in lieu of all fees.

1. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Clerk of the Pleas shall in lieu of all Fees whatever now or hereafter payable to or receivable by him as such Clerk, be allowed the sum of five hundred pounds, currency, per annum, payable quarterly.

£500 to be deemed a full compensation for all the duties of the office.

II. And be it enacted, That the said sum of five hundred pounds shall be deemed a full compensation for the performance of all the duties of the Office of the said Clerk of the Pleas, and of any Deputy or Deputies, under Clerk or under Clerks, which