

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4<sup>th</sup> day of December 1759, and in the 33<sup>d</sup> year of His Majesty's Reign, and there continued by several Prorogations until Monday the 8<sup>th</sup> Day of September, 1760, in the 34<sup>th</sup> Year of His Majesty's Reign.*

34 George II – Chapter 7

### **An Act for appointing Commissioners of Sewers.**

Whereas great quantities of marsh, meadows, and low grounds, in this Province, and particularly in the Bay of Fundy, and rivers, bays and creeks, branching therefrom, are spoiled by overflowing of the sea, and other waters; which by industry may be greatly improved, well for the general good, as for the benefit and profit of the owners; and also much meadow and pasture land might be gained out of swamps, and other rough and unprofitable grounds by drowning and draining the same: To the intent therefore, that the new settlers and other proprietors of such marches, meadows, and low grounds, may be encouraged and same to raise dykes, and remove such obstructions as prevent these lands from being immediately useful.

Be it enacted, by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, that it shall be in the power of the Governor or Commander in Chief, with the advice of His Majesty's Council, upon request of any of the proprietors of such lands, to grant commissions of sewers, to such and so many able and discreet persons, as to them shall seem meet, for the building and repairing such dykes and wares as are necessary to prevent inundations; and also for the damming and flowing of swamps, and other unprofitable grounds, and draining of them: By which commissions the said commissioners shall be empowered to meet and convene together from time to time as occasion may require, to view, consider, consult, and contrive such ways and methods for building and repairing such dykes and wares, as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; and to employ workmen and labourers, for such reasonable wages as may be agreed on, for the effecting the premises; and from time to time to assess and tax all such persons as may or shall be owners of such meadows, marshes, or such unprofitable swamps and lands as aforesaid, towards the charge thereof, having regard to each person's quantity of land and benefits to be received thereby, as equally, according to their best judgment, as they can; and also to appoint and swear a collector or collectors for the collecting, gathering, and paying the same, to such persons as by the said commissioners shall be appointed to receive it; with powers to distrain all such persons as shall neglect or refuse to make payment of his, her, or their parts or proportions, set and assessed as aforesaid, in such manner as is usually done in the like cases; and to call before themselves the said collector or collectors, to account for his or their trusts with reference to the premises; and likewise to value such repairs as may have been made to the said wares and dykes, by the present settlers before the date of their said commissions, and to proportion an assessment for payment of the same by those who

have been or may be benefited thereby, in the same manner as if such repairs had been made by their own order, in virtue of their said commissions.

And be it further enacted by the authority aforesaid, that the said commissioners shall be sworn for the faithful discharge of their trust, and shall receive such salaries out of the said assessment, for their time and expences touching the premisses, as the Governor and Council shall appoint, unto whom the said commissioners shall be accountable, when they shall be thereto required.

And be it also further enacted by the authority aforesaid, that in case it shall so happen, that any proprietor of any such lands, marshes, or meadows, to be dyked and drained as aforesaid, shall be unable, or otherwise neglect to pay his, her, or their part or proportion of the said rates or assessments, it shall and may be lawful to and for the other proprietors concerned therein, to pay the said assessments, and to hold the said lands and meadows so long until the rates and profits to be received of those lands may reimburse them, and the commissioners aforesaid shall determine the time how long.

Provided always, that any person thinking himself aggrieved at any procedure had or made by the said commissioners, or any other in pursuance of this Act, may appeal therefrom to the Governor and Council, for relief, who are hereby empowered to order the possession of all such lands as are held for payment of the assessments beforementioned, to be restored to the proprietor, on proof before them, that the said assessments have been received out of the profits of the same.