

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the Twenty Eighth Day of May, 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations, to Thursday the 23d day of October, 1766, in the Sixth Year of His Majesty's Reign.

6 George III – Chapter 1 (Session 2)

An Act to prevent the Cutting or Breaking down the Bank of any River, Seabank, or Dykes.

Whereas there are large tracts of marsh lands within this province dyked in, great part of which are, at this time, under actual improvement, from which great advantages must arise, and as the dyking or draining those lands are attended with a very great expense; which expence and advantages may be lost, to the ruin of many industrious persons, by wicked and evil minded persons cutting or destroying said dykes, or the piles or pickets, which are drove into the said marshes, their banks or dykes; for remedy whereof, be it enacted by the lieutenant governor, council, and assembly, that if any person or persons from and after the publication of this act, shall unlawfully and maliciously break down, or cut down the bank or banks of any river or any seabank or dykes, whereby any lands shall be overflowed or damaged, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

And be it further enacted, that if any person or persons shall, at any time or times hereafter, unlawfully cut off, draw up or remove and carry away, any piles or other materials, which are, or at any time hereafter shall be, driven into the ground and used for the securing any marsh lands, or sea walls, banks, or dykes, in order to prevent the lands lying within the same from being overflowed and damaged, it shall and may be lawful to and for any two or more of His Majesty's justices of the peace, residing near the place where the said offence or offences shall be committed, and such justices are hereby respectively authorized and required, upon complaint or information upon oath of such offence, to summon the party or parties so complained of, or to issue their warrant or warrants to apprehend and bring before them, the person or persons so accused, complained of, or suspected, and upon his, her, or their appearance, or neglect to appear, to proceed to examine the matter of fact with which he, she, or they, are charged, and upon due proof thereof made, either by confession of the party or parties so accused, or upon the oath or oaths of one or more credible witness or witness, to determine the same, and to convict the offender or offenders; and every person offending herein, and being thereof convicted as aforesaid, shall forfeit and pay the sum of twenty pounds; one moiety thereof to the informer, and the other moiety to the overseers of, and for the use of the poor of the township or place wherein such offence shall be committed; the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof; and for want of sufficient distress the said justices are hereby required to commit the person or persons convicted as aforesaid, to the house of correction or common gaol of the county, town or place, where the offence shall be committed, there to remain and be kept at hard labour for the space of six months.

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Published according to law the 22d November, 1766.