

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Eleventh Day of June, Anno Domini 1781, in the Twenty-First Year of His said Majesty's Reign, being the Fourteenth Session of the Fifth General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

21 George III – Chapter 3

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:

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.