

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1794. Brookville: Christopher Sower, Printer to the King's Most Excellent Majesty, 1794.

34 George III – Chapter 8

An Act in addition of an Act intituled “An Act for appointing Commissioners of Sewers.”

Whereas, in and by an act passed in the twenty sixth year of His Majesty's reign, intituled “An Act for appointing Commissioners of Sewers” such Commissioners are authorised to exercise the powers given them by the said act upon the application of any proprietors of any Marsh, Low-lands or Meadow, which power may be exercised to the injury of other Proprietors, for remedy whereof—

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That hereafter no Commissioners of Sewers already appointed or hereafter to be appointed by virtue of the said act, shall have power to proceed to dike in, or drain any body of Marsh, Low-lands or Meadow but upon the application or by consent and concurrence of the proprietors of at least one half of the quantity of such Marsh, Low-lands or Meadow.

II. And be it further enacted, That such commissioners upon making up any bill of assessment shall state an account of the expenditures and work done in diking or draining any such lands under their authority and direction, and shall cause notice of such stated account to be given to each proprietor or his agent at least thirty days previous to issuing any warrant to distrain, to the intent that each proprietor may pay their respective quota previous to any such distress.

III. And whereas, it is expedient that any grievance which may be suffered under the said act be redressed in the most easy and expeditious manner—Be it therefore further enacted, That whenever any person shall be aggrieved by any procedure had or made by such Commissioners or any others in pursuance of the said act, such person aggrieved may appeal therefrom to the Supreme Court or Court of Nisi Prius, which said courts, or either of them, may grant redress— Provided notice of such appeal with the grounds thereof, be given to the adverse party, at least twelve days previous to such hearing by appeal.

IV. And be it further enacted, That the said herein before recited act and every clause thereof, except wherein it is hereby altered and amended shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.