

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 17

An Act to explain certain Sections of Chapters 67, 68, and 69, of Title x, of the Revised Statutes, 'Of Sewers.' Passed 8th June, 1865.

Section.

1. Appointments made by Governor in Council, valid.
2. In case of appeal against Assessments, Jury to be summoned.

Section.

3. Proprietors of Sunken Island Marsh not to be assessed by Special Commissioners of Marsh enclosed by Etter Aboideau.

Whereas by Chapters 68 and 69 of Title x, of the Revised Statutes, power is given for the owners of Marsh Land in certain portions and districts of the Parishes of Westmorland, Albert and Sackville respectively, to choose Commissioners for managing such land in such portions and districts, and doubts have arisen whether such power does not conflict with Section 12 of Chapter 67, of the said Revised Statutes, by which the Governor in Council is authorized to appoint Special Commissioners in cases where any Marsh Lands may lie in two or more Parishes, and in reclaiming, draining, or enclosing, which such two or more Parishes may be interested; and it is expedient to declare the law respecting the same;—

Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That all appointments heretofore made, or that hereafter may be made, in the Counties of Westmorland and Albert, by the Governor in Council under the said Section 12, of Chapter 67, are hereby declared to be good and valid to all intents and purposes.
2. That in case any proprietor of Marsh, Lake, or Bog, heretofore assessed by the Special Commissioners of Sewers, appointed to construct and superintend the Jolicour Canal in the Parishes of Sackville and Westmorland, and County of Westmorland, should object to the amount of such assessment as being greater than the proportion he ought to pay, such proprietor may at any time within three months after the passing of this Act, apply to a Justice of the Peace to summon a Jury of five disinterested freeholders, as is provided by 25th Victoria, Cap. 25, who shall arbitrate between the said Commissioners and such proprietor, and such sum as they may award, and no more, shall be levied and collected in the manner provided by the Laws relating to Commissioners of Sewers.
3. That this Act shall act authorize the Special Commissioners of Sewers appointed to construct and superintend the body of Marsh lying in the Parishes of Sackville and Westmorland, enclosed by the Etter Aboideau, to levy and collect any assessment heretofore made upon the proprietors

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of Sunken Island Marsh, for any benefit they may have received from any works constructed under the superintendence of such Commissioners.