

A BILL

For the appointment of Commissioners of Sewers for the Parish of Sackville, in the County of Westmorland, and to divide the Marsh Lands in said Parish into several Bodies or Districts.

WHEREAS there are several large Tracts of Marsh Land in the Parish of Sackville, in the County of Westmorland, which require the superintendence of Commissioners of Sewers, and it will diminish the expense of taking care of the said Marsh by dividing it into Districts;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Bodies of Marsh Land in the Parish of Sackville, in the County of Westmorland, now under the care and superintendence of Commissioners of Sewers, be divided into Districts, and classed as follows, namely: All that body of Marsh known by the name of the Raw Pasture Marsh, to be District Number One; all those bodies of Marsh known by the names of West Cole's Island Marsh, and East Cole's Island or Sunken Island Marsh, to be District Number Two; all those bodies of Marsh Land known by the names of the New and Old West Marshes, to be District Number Three; all those bodies of Marsh known by the names of Bear Island Marsh, and Middle Village Marsh, and King's Marsh, to be District Number Four; all those Marshes known by the names of Spectacle Island Marsh and Dixon Island Marsh, to be District Number Five; and all that body of Marsh Land known by the name of the Great Marsh, together with all the Bogs and Lowlands lying to the northward and westward thereof, to be District Number Six.

II. And be it enacted, That the Districts number one, number two, number three, number four and number five, shall choose one Commissioner of Sewers, and District number six shall choose two Commissioners of Sewers, to be elected in the manner and for the period hereinafter provided for; which person, so elected, shall be Commissioner of Sewers for the said several Districts, that is to say: that on the third Tuesday in April next ensuing the passing of this Act, and on the third Tuesday in April in every third year thereafter, between the hours of eight and nine in the forenoon, a Meeting of the Proprietors of said Districts be held at or in front of the Temperance Hall, in Sackville, for the purpose of choosing the said Commissioners, at which Meeting the senior Magistrate residing in the said Parish shall preside; and in case of his absence or refusal, the senior Magistrate resident in the said Parish, present at the said Meeting, shall preside; and in case of his likewise refusing to preside, or there being no Magistrate present at the said Meeting, then that the majority of the said Proprietors present shall at once elect some person to preside over the said Meeting; that the said Magistrate or person so presiding over the said Meeting, shall appoint some impartial person to act as Clerk at the said Election, and who shall be sworn by the said presiding officer to a true and faithful discharge of his duties as such Clerk, in the words set out in the Schedule to this Act; which oath shall be written on the Poll Book for the said Election, and which oath the said presiding officer is hereby empowered to administer; that the said presiding officer shall cause this Law to be read to the Meeting, and then proceed to take the Poll for the said Commissioners of Sewers; and the said Clerk shall enter the votes for the said Commissioners of Sewers in a Book to be provided for that purpose, in the form in the Schedule hereto annexed, or in words and figures to the like intent; which Poll shall be kept open until twelve o'clock; and in case there be a contest, then the Poll shall be continued and kept open until six o'clock in the evening of the same day, when it shall be finally closed.

III. And be it enacted, That the Magistrate or Chairman presiding at the said Meeting, shall forthwith after the closing of the Poll, proceed to ascertain from the Poll Book which of the Candidates has the highest number of votes, and declare the same, and certify upon the Poll Book that Candidate duly elected a Commissioner of Sewers for the said several Districts, by that District for which he has the highest number of votes; and for District number six, in like manner declare and certify on the Poll Book that Candidate having the second highest number of votes for that District, also duly elected a Commissioner of Sewers by the said District, for the said several Districts; that if upon such examination of the Poll Book it shall appear that two or more Candidates for any one District have an equal number of votes, the said Magistrate or Chairman shall then determine which of such Candidates shall be deemed to have a majority over the other or others; which several Commissioners of Sewers, so elected, shall be sworn into office, which oath any Justice of the Peace of the said County, resident in said Parish of Sackville, or the Chairman presiding at the said Meeting, is authorized to administer; and any Commissioner, so elected, who shall neglect, for the period of one week, to take the oath of office, shall be deemed to have refused to accept such office; that such oath of office, if taken before the Magistrate or Chairman presiding at such Meeting, shall be in writing upon the Poll Book, and if taken before any other Magistrate, that the same be in writing and filed with the Chairman presiding at such Meeting, to be by him attached to the Poll Book, which Poll Book, Certificates of Election, and Oaths of Office, shall be by him transmitted to and filed with the Clerk of the Peace for the said County.

IV. And be it enacted, That every Proprietor of Marsh Land situate in any of the said Districts, whether male or female, shall be entitled to vote at such Elections, under the regulations herein-

after provided, except children under the age of sixteen years, that is to say: each Proprietor shall have as many votes as he owns acres of Marsh in such Districts, exclusive of all fractional parts; and in case the number of votes claimed by any voter should be disputed at the time he offers to vote, by any other Proprietor, then before such votes are received and entered, the person claiming the right to vote, shall take the following oath:—"You do swear that you are the Proprietor of — acres of Marsh, situate in District Number — [or — acres in District Number —, and — acres in District Number —, as the case may be, where the person claims the right to vote for more than one District,] and that you are entitled to vote therefor at this Election of Commissioners of Sewers, and that you have not before voted at this Election;"—That no Proprietor of Marsh Land in one District, shall give any vote upon the same for a Commissioner or Commissioners to be elected for any other District; and provided always, that in District Number Six, that no Proprietor shall be entitled to vote for or upon any Marsh or Bog, not yielding the annual value of two shillings and six pence per acre, except such Marsh or Bog has, at the time of such Election, been assessed to the amount of two shillings and six pence per acre; and in case the number of votes claimed by any voter in District Number Six, should be disputed at the time he offers to vote, by any other Proprietor, then, before such votes are received and entered, the person claiming the right to vote, shall take the following oath:—"You do swear that you are the Proprietor of — acres of Marsh, [or Bog, as the case may be,] in District Number Six, that the same is of the annual value of two shillings and six pence per acre, [or has been assessed to the amount of two shillings and six pence per acre,] that you are entitled to vote therefor at this Election of Commissioners of Sewers, and that you have not before voted at this Election of Commissioners of Sewers;"—which oaths the presiding officer is hereby authorized and required to administer; and no other proof of qualification shall be required of such voter.

V. And be it enacted, That the persons so elected, certified and sworn as Commissioners of Sewers, shall be Commissioners of Sewers in and for the said several Districts, for and during the term of three years then next ensuing; and such Commissioners shall be authorized and empowered, during the term of office; to convene and meet together from time to time, as occasion may require, to consult, consider and devise means and methods for building, erecting or repairing such Aboideau, Dikes and Weirs as are or may be necessary to prevent inundation, and for drawing or draining of Marshes, Swamps and other unreclaimed lands, either diked or undiked, and to employ labourers and workmen for such reasonable wages as may be agreed on for that purpose, and to take and assess all such persons from time to time, as shall or may be owners of such Marshes, Meadows or unreclaimed lands as aforesaid, for defraying the expenses thereof, having regard to the quantity and quality of land of each person, and benefits thereby to be received, as equally as they can, according to their best judgment, and shall appoint a Collector or Collectors for collecting such assessments, and paying the same to such persons as by the said Commissioners shall be appointed, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress; and such Collector, appointed as aforesaid, shall be entitled to levy for his services a sum, over and above such assessment, not exceeding seven and a half per cent. on the amount of such assessment; the said sum so to be allowed for collecting, to be first regulated by the Commissioners, having regard to the amount to be collected, and to call before them such Collector or Collectors, to account for his or their trusts, in regard to the premises; and the said Commissioners shall be authorized and empowered to make and repair the bye roads leading through or in the said Districts, and, in like manner as aforesaid, assess the Marshes for the expenses thereof, the said Commissioners first giving notice of such their intention, by advertising the same in three or more public places in the said Parish for ten days; provided always, that if the Proprietors of a majority of acres in the District where such road or roads so to be made or repaired shall lie, by order in writing to the Commissioner or Commissioners elected for such District, desire the said Commissioners not to proceed with such making or repairing so advertised, the said Commissioners shall not proceed in the same for the period of one year, and not then, unless by again advertising such proposed repairing or making; and the said Commissioners shall be authorized and empowered, in their discretion, upon the application of the Proprietors of a majority of acres in any District, to make regulations from time to time, respecting the fencing and grazing of the said District, as fully and effectually to all intents and purposes as the Justices of the Peace for the said County, at their General Sessions, are authorized and empowered to do under and by virtue of an Act passed in the sixth year of his late Majesty William the Fourth, entitled "An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County of Westmorland;" which regulations, signed by the said Commissioners, and filed with the Clerk of the Peace of the said County, shall revoke and supersede any regulation or regulations made by the said Justices, so far as the same relate to the District or Districts to which the regulations so made by the said Commissioners apply; and the said Commissioners shall be authorized and empowered to recommend one or more field drivers to the General Sessions of the Peace for the said