

in such body of Marsh do not vote at such election so called by the Town Clerk, in such case the said election shall be deemed wholly null and void.

if the proprietors of a majority of acres do not vote.

VIII. And be it enacted, That in case the proprietors of the majority of acres of any body of Marsh in said Parish, shall be desirous of being annexed to any District or body of Marsh having elected a Commissioner of Sewers by virtue of this Act, the said Commissioners of Sewers are hereby empowered and authorized, upon the consent of the proprietors of a majority of acres in both bodies of Marsh, as well of that body desiring to be annexed as of the body or District to which it is to be annexed, to declare such body of Marsh annexed to such District or body, and subject to the jurisdiction and control of the Commissioners of Sewers to all intents and purposes the same as if it had originally been part of such District; and in case any body of Marsh in said Parish shall be desirous of being discharged from the power and control of the said Commissioners of Sewers, the said Commissioners, upon the like consent being had, shall and may declare such District or body of Marsh withdrawn from the jurisdiction and control of the Commissioners of Sewers, from which time the said Commissioners shall cease to have any control over such body of Marsh; provided that any rate made before the time of such order may still be enforced and levied in all respects the same as if such body of Marsh had not been withdrawn.

Other Marsh Lands may, on consent, be annexed to districts already appointed.

Marsh Lands may, on consent, be withdrawn from the superintendence of the Commissioners.

IX. And be it enacted, That every person allowed by law to make an affirmation instead of taking an oath, shall be allowed to affirm in every case where by the provisions of this Act an oath is required to be taken; and if any person taking an oath or making affirmation as required by this Act, shall wilfully swear or affirm falsely, such person shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties by law provided for that offence.

Affirmation may be made instead of oath.

False affirming or swearing made perjury.

X. And be it enacted, That a copy of a Certificate of Return of Commissioners of Sewers, filed in the Office of the Clerk of the Peace, certified under the hand and seal of office of such Clerk, shall be prima facie evidence of the regularity and legality of all proceedings up to and the election of such Commissioners of Sewers; and that a copy of what regulations the said Commissioners may from time to time make, certified under the hand and seal of office of the said Clerk of the Peace, shall in like manner be evidence of such regulations in all Courts of Record in this Province.

Certified copy of Certificate of Return of Commissioners to be prima facie evidence of the regularity of proceedings, &c.

XI. And be it enacted, That whenever any person shall be aggrieved by the wilful neglect or gross carelessness of any of the said Commissioners, such Commissioner or Commissioners shall be personally liable to the party injured for all damages by him sustained in consequence of such neglect, to be recovered in an action on the case either in the Supreme Court or the Inferior Court of Common Pleas for the County of Westmorland, with costs as in other cases.

Commissioners to be personally liable to parties aggrieved.

XII. And be it enacted, That when and so soon as the said Commissioners or any two of them so chosen, shall have taken the oath of office, any former existing commission for the appointment of Commissioners of Sewers in and for the said Parish of Sackville, shall be deemed to be cancelled and void, and all the powers and duties of any such previous Commissioner shall cease and determine; provided that any matter or thing by them before done under such cancelled commission, agreeably to the directions of an Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, shall be held valid, and all rates hitherto imposed may be enforced by the elected Commissioners; and provided that nothing in this Act contained shall affect or be construed to affect the power or authority of any Commissioner appointed or to be appointed under and by virtue of an Act made and passed in the third year of Her present Majesty's Reign, intituled *An Act in addition to the Acts now in force relating to Commissioners of Sewers*.

Commissions to be deemed cancelled on the choice and swearing in of Commissioners under this Act.

Reservation.

10 & 11 G. 4, c. 29.

3 V. c. 56.

XIII. And be it enacted, That all the powers and authority given in and by the said recited Act, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, shall extend to the Commissioners chosen and appointed under the provisions in this Act, save and except where part of the same is by this Act repealed.

Powers conferred by Act 10 & 11 G. 4, c. 29, save as repealed, extended to Commissioners under this Act.

XIV. And be it enacted, That the second Section of an Act passed in the tenth and eleventh years of the Reign of His late Majesty George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, be repealed, so far as the same extends to the said Parish of Sackville.

10 & 11 G. 4, c. 29, s. 2, repealed as to Sackville.

XV. And be it enacted, That throughout this Act, in the construction thereof, except there be something in the subject or context repugnant to or inconsistent with such construction, the word "Commissioners" shall mean a majority of such

Construction of terms.

'Commissioners.'