

active list. But the area had then been determined for this aboiteau. Israel L. Forrest, as commissioner, appears to have built one in 1850. Of course, in the ordinary case of walls, as I have intimated, there would be less difficulty. I do not find that any of the smaller bodies or divisions selected a commissioner for itself for a long time. Of course, the unattached commissioners charged some fees when they attended the work. I think the New Marsh has not one yet nor the Forrest Body. From 1848 to 1856, at least, one clerk was appointed for several divisions, including A, B and C, and he appears to have been appointed by two commissioners not attached to any one body, and I think the statute enabled this to be done. Of course, if a disagreement had arisen a commissioner would have to be chosen and majority rule brought in.

The statute then contemplated his selection to carry on "any work or works."

By the statute of 1846 ch. 11, sec. 1, it was provided as follows:

"From and out of which commissioners so appointed and sworn two-thirds in interest of persons owning any marsh, swamp or meadow lands within the limits of the jurisdiction of such commissioner shall and may . . . select and choose one or more as may to them appear proper to act as Commissioner or Commissioners of Sewers to take charge of and carry on from time to time any work or works necessary for reclaiming any such lands in such county . . . and such two-thirds in interest shall have power from time to time to add to, diminish or supersede any such commissioner or commissioners, and to choose another or others in his or their stead and place, and such commissioner or commissioners so chosen shall have power to call upon the proprietors of such lands to furnish men, carts, teams and materials respectively for the purpose of building and repairing such dykes and weirs as may be necessary to prevent inundation, and also for damming, flowing or draining such marsh, swamp, or meadow lands, and for securing such lands from the sea, rivers or brooks by aboiteaux, breakwaters or otherwise as to him or them may seem advisable, to consult with other commissioners, and for a new work he must have the assent of two-thirds in interest in such lands.

Section 2, provides for the appointment of overseers to assist him in carrying on any such work.