

construction or repair upon any of the aboiteaux crossing this creek. But the proprietors of all them collectively have done so under commissioners, and in one way or the other those proprietors have borne the expense. You may rely upon human nature and say confidently that never did one of these units bear the whole expense of this work. Two rate bills of A division for expenditure for aboiteau doors in 1859, and on the lower aboiteau on Forrest creek for the year 1869, are pointed to, but no doubt, those are for its proportion of the whole expenditure and not by any means for the whole expenditure. There is an indication of those lump sum apportionments. I have gone through the books in evidence, going back in the case of some of these bodies to 1846, and the counsel, no doubt, have done so, and these rate bills are the only shadow for such a suggestion, and these are most minute accounts. That a division or body never contemplated bearing the whole charge is seen by the following offer of a bargain recorded in the minutes of a meeting of the proprietors of A division, held February 12th, 1870:—

“Resolved that the letter A division or body authorise the sewer of the said body to expend the sum of \$200 to assist in repairing the new aboiteau in the Forrest creek, providing there is a good substantial job of work done as soon as practicable.”

It would hardly be contended that the proprietors of the whole area could not collectively select a commissioner and construct or repair this aboiteau under this legislation and assess for and collect the cost of the same. It is only because of the supposed interference with the authority of the commissioners of the smaller divisions comprised in this area, that it is sought to resist it as if there cannot be an overlap.

I perfectly agree with the judgment of the learned Judge that the word “reclaim” extends to marsh lands that have been already dyked as well as to marsh lands undyked. Many of the provisions in the Act clearly apply to land already dyked. For a century, at least, the principal use of these provisions, passed over and over by the legislature, has been in connection with marsh land already dyked. And it would upset everything to say that “reclaim” meant the original reclaiming, which in some instances in this province was already done by the French people. I have no doubt that the construction of this aboiteau was “reclaim-