

easy in the case of mere sea walls. But once, for any other particular work it is settled, there is not the same difficulty in replacing the work or for repairs. The commissioners for the township no doubt (before there was a law requiring consent or for the selection of a particular commissioner for a particular work or area benefited by a work), settled the confines of this area. And, I think, the Court would have been slow to interfere with their judgment. Remote areas may be appreciably benefited by the aboiteau, but the areas near the aboiteau may be appreciably benefited by the dykes of the remote areas upon the same theory, namely, that if either protection was not there the water would possibly overflow the whole. I must say that without scientific witnesses it is difficult to say what area would be inundated in such a case by the tides, and I see no reason to break through the acquiescence during this long period between this area and the remote areas and the commissioner's decision in acting on the requisition. If the defendant had wished to raise such a point he should have done it at the time of the requisition and before the work was constructed, and brought it up too against the proprietors of the remote areas when it could properly be contested in some aggressive action. Inasmuch as they were not brought into this work at the beginning and into the proceedings for assessment they could not now be made liable under this legislation. There is no remedy against them, and this defendant attended meetings of the proprietors of this area and looked on. He had worked under commissioners for this aboiteau, and his predecessors in title had borne the charge of keeping up the aboiteau. He took part in arbitrating his claim under the Act, against these very commissioners for land damages.

2. The defendant raises another point rather inconsistent with the other. He contends that A, B, C and Forrest divisions or bodies are each a separate division under a commissioner with exclusive powers, and that plaintiff, although commissioner for the whole area, cannot come in there.

One asks immediately, in case of this aboiteau going out, which one of these divisions or bodies is charged with replacing it, and if one does replace it, which provision of the Act gives that division or body any recourse against the others for the proportion of expense incurred in creating the undoubted benefit they receive. Never has one of these separate bodies or divisions as such performed any work of