

CAP. XXIII.

An Act for the appointment of Commissioners to report upon the advantages that may be derived to the Proprietors of the Grand Dyke and Union Dyke, in the Township of Cornwallis, by the Building of the Wellington Dyke.

[Passed the 11th day of January, 1831.]

Preamble.

WHEREAS, William Allen Chipman, William Dickie, David Dickie, John Eaton, William Borden, David Eaton, John Newcomb, and Benjamin Rand, the Commissioners of Sewers for the Township of Cornwallis, in the year of Our Lord One Thousand Eight Hundred and Twenty-five, finished a certain Aboiteau or Embankment across the Canaar River, in Cornwallis aforesaid, which is described and known by the name of the Wellington Dyke, and which with the other Dykes connected therewith, and completed by the said Commissioners of Sewers in the same year, inclose a large quantity of Lands redeemed thereby from the Sea, and rendered suitable for the purposes of Agriculture: *And whereas*, the said Aboiteau or Embankment, and the said Dykes connected therewith, serve also to inclose and protect against the tides which used to flow in the said River, a large tract of Marsh Land lying further up the said River, and inclosed by a Dyke, called the Grand Dyke, as likewise another Tract inclosed by a Dyke called the Union Dyke, and lying on the same River: *And whereas*, in consideration of the benefits derived by the said last mentioned Lands from the Building of the said Wellington Dyke, and Dykes connected therewith, as well as of other circumstances, the said Commissioners of Sewers caused Assessments to be made upon the whole of the Lands within the Wellington Dyke, and also within the said Grand Dyke and Union Dyke, which assessments have been paid by many of the Owners of such Lands, but others have refused to pay those Assessments, and it has been decided that the Proprietors of the Lands comprehended within the Grand Dyke and Union Dyke, are not by Law liable to be assessed towards the expence of making the Wellington Dyke: *And whereas*, it is reasonable and just that the Owners of Lands lying within the Grand Dyke and Union Dyke, should contribute towards the expence of the Wellington Dyke, in proportion to the benefit derived or to be derived to them by the Building of the Wellington Dyke. *Provided*, the extent and amount of that benefit can be ascertained with reasonable certainty.

Lieutenant Governor to appoint Commissioners

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, immediately after the passing of this Act, to appoint and commission five fit and proper Persons, not resident in the said County, to be Commissioners for the purposes hereinafter mentioned, which said Commissioners shall be sworn before one of the Judges of His Majesty's Supreme Court, or one of the Justices of the Inferior Court of Common Pleas for the County of King's County, impartially and faithfully to discharge, to the best of their ability, the duties intrusted to them by this Act.

Power of Commissioners

II. And be it further enacted, That such Commissioners so appointed and sworn, or any three of them, shall have full power to call before them at such times and places as they shall think fit and reasonable, notice thereof being given the said Commissioners of Sewers, or any of them, and all or any of the Proprietors of Lands within the said Grand Dyke and Union Dyke, and to examine as well the said parties as all witnesses who may be produced before them, upon oath, which oath the said Commissioners, or any of them, are hereby authorized to administer, and fully to investigate as well the Original Agreements for the Building of the said Dyke, called the Wellington Dyke, as also all subsequent agreements and undertakings in respect thereto; and to inquire particularly into the advantages which all or any of the Marsh Lands lying within the said Grand Dyke and