

XXXVII. And whereas great inconvenience might result from the performing of the work by the persons interested, by reason of their great number, and the difficulty of the work: Be it therefore enacted, That at a public meeting, the majority of the persons interested may cause the said work or any part thereof to be performed by collective labour, by separate shares or by contract, each of them paying his share in money, or performing his share in work, according to an apportionment to be made by one or more persons conversant in the matter, which apportionment, before it shall go into operation, shall be ratified by one Justice of the Peace, after having been first read or posted, during two consecutive Sundays, at the doors of the Churches, or any places of public worship in the Parishes or Townships concerned, making known to the persons interested the day and hour and the place where such Justice of the Peace is to sit to take cognizance of the grounds of opposition, if any, to the ratification of such apportionment: Provided also, that in the case of the non-performance of any share of work or of the non-payment of any sum of money imposed by this clause, it shall be the duty of the Overseer or Overseers to apportion such shares and payments amongst the remaining parties interested in such work, and the lands of the defaulting parties shall be subject to the provisions of the forty-first clause, in payment for the same.

Majority of those interested may have the work performed by collective labour, after public notice.

Proviso.

XXXVIII. And be it enacted, That it shall be the duty of the Surveyors appointed with respect to every such outlet, water-course or brook, to collect such sums of money as each of the parties interested shall be liable to pay by reason of the said apportionment, with all expenses incurred therein, and in case of refusal or negligence on the part of any such person, to compel the payment thereof by suit before any Justice of the Peace resident in the place, with costs, including an allowance of six pence per hour to the said Surveyor for the time he shall have lost by reason of the said suit, and the disbursements he may have been obliged to make for the payment of a Clerk, if it shall have been necessary for him to employ one.

Surveyors to collect moneys due from parties interested.

But See 16 V. c. 210, s. 3, providing that changes may be made in certain cases.

XXXIX. Provided always, and be it enacted, That the powers hereby given shall not in any case extend to authorize any Surveyor or Inspector to make any change concerning the work connected with any outlet, water-course or brook which shall have been previously regulated by a *procès-verbal*, lawfully made, whether such outlet or brook be common to several Parishes or Townships, or only one such place be interested therein, unless two thirds, at least, of the persons interested in such work shall require him to do so, and consent to a departure from the old *procès-verbal*.

Inspector not to make any change concerning water courses regulated by *procès-verbaux*.

XL. And be it enacted, That if any of the parties interested in the decision given or orders made by any Surveyor or Surveyors, by virtue of any of the provisions of this Act, relating

Appeal given from the decision of Surveyors.