Section 3 provides for summoning the proprietors of such lands.

Section 4. "Such commissioner or commissioners so appointed and chosen . . shall from time to time assess and tax the owners or possessors of such lands towards the charges and expenses incurred by them or their predecessors whose accounts may remain unsettled on said lands or any such dykes, weirs, dams, aboiteaux or breakwaters—having regard to the quantity and qaality of land of each owner or possessor and the benefit to be by him received, &c."

Of course a requisition every time a bit of work had to be done, it might be repairs, was burdensome, and the commissioner once selected remained attached, but was liable to be superseded at any moment, and to distinguish this selected commissioner from the commissioners appointed by the Government for the township, but not selected for active work he was spoken of as the "commissioner in charge" or as having the "management of any particular land," and this came into this legislation. His remuneration was a certain sum per day "while actually employed." One would suppose from the defendant's argument that the selection of a commissioner from time to time for these bodies or divisions in consequence of these words of description gave them a continuous term of office, an exclusive sovereignty within the area, with a sort of non-intromittent clause against the commissioner of a larger area, something attached to the soil. I find nothing like that in these Acts. To hold that would be giving to each one of these divisions or bodies in respect to a work like this the powers and limitations of the dog in the manger. The defendant did not in his evidence suggest that he complained that the expense was spread over four divisions. This is a lawyer's contention. Nothing could be more fragile than the tenure after selection. It was at the people's will. These Acts contemplated works outside as well as inside of the mere territorial area of a body or division. It might be a breakwater, canal, dam or weir outside.

The aboiteau in this case was not physically situate within any one of these bodies or divisions. It was an aboiteau for all of them. The area of substantial benefit over the marsh land caused by a particular work as fixed at the time determined the area of the charge and fixed the proprietors. I think that is plain. Take 1823 ch. 13, sec. 9, now repealed, selling land for the rates. "If the rates remain unsatisfied, the commissioner may cause the sheriff to sell at public auction