



**BERMUDA**  
**1851 : ii : 8**

**PEMBROKE MARSH ACT 1851**

ARRANGEMENT OF SECTIONS

- 1 Proprietors of back lots may make waterways through to canal
- 2 Drainage works for general use
- 3 Penalty for damage
- 4 Saving for rights of Crown and others

[29 September 1851]

WHEREAS certain Acts of the Legislature of these Islands that is to say: "An Act for the encouragement of the Drainage of Marsh Lands" [1837:17]; and "An Act for Draining certain Marshes in the Parish of Pembroke" [1840:13], were respectively passed in the years 1837 and 1840, for limited periods of time:

AND WHEREAS the last-mentioned Act, which contained regulations for keeping in repair the works thereby authorised to be constructed, has expired:

AND WHEREAS a petition from the owners of the said Pembroke Marshes has been presented to the Legislature, praying that certain parts of the said Act passed in the year 1840 may be renewed, and it is deemed expedient to accede to the request of the petitioners:

*[words of enactment omitted]*

**Proprietors of back lots may make waterways through to canal**

1 (1) The proprietor of any lot or parcel of the Pembroke marsh lands,

situate in the rear of any other lot or parcel thereof, which adjoins the central canal, may make and cut (at his own cost and expense) a water-

## **PEMBROKE MARSH ACT 1851**

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way or canal of proper and sufficient width leading to the said central canal, through such front lot or parcel of land and canal as near to the division or boundary line of such parcel of land adjoining the said central canal as may be convenient and practicable.

*[The Pembroke marsh lands were described in the original section 1 of the Act (now repealed by the Pembroke Marsh Act, 1900) as follows: "The two marshes situated in the Parish of Pembroke, distinguished as the Eastern and Western Marshes and fully described in the Act of 1840". The Preamble to the Act of 1840 (last printed in Vol.1 of the Compilation of 1884 at p. 255) included a description of the Pembroke Marshes.]*

(2) In case of disagreement between the proprietors of any such parcels of land respecting such waterway, the Minister for the time being responsible for works and engineering (hereinafter referred to as "the Minister") may order and direct the same to be made as to him may seem proper.

### **Drainage works for general use**

2 The sluice-gate and sea canal, with their dams, mounds, and causeways, and the experimental canal made and erected under the authority of the said Act for the encouragement of the Drainage of Marsh Lands [1837:17], and also the central canal, already made, and the tunnel or passage under the road, shall be, and remain at all times hereafter, for the use and benefit of all the proprietors of the Pembroke Marshes, in the draining of their respective parcels of the said marshes.

### **Penalty for damage**

3 Any person who wilfully or maliciously destroys, or in any wise injures any sluice-gate, dyke or other work already erected or made, or which is at any time hereafter erected or made, or who in any way obstructs or damages the central canal, or the sea canal, or any of the division drains, or other works, for draining or improving the Pembroke Marshes, or who opens or otherwise interferes with the sluice-gate or gates, so as to admit the sea-water into the said Pembroke Marshes or either of them, or into the central canal, and who is convicted thereof before a court of summary jurisdiction, shall forfeit and pay for every such offence such sum of money, not exceeding \$720, as appears to the court a reasonable compensation for the damage or injury sustained, with the costs of the proceedings, to be levied by distress and sale of the goods and chattels of every such offender, by warrant of the court, and to be employed and laid out by the Minister in repairing the damage committed as aforesaid, and in carrying on the draining of the Pembroke Marshes, and for want of a sufficient distress such offender shall under the warrant of the court be imprisoned for any time not exceeding three months, at the discretion of the court:

Provided that nothing herein contained shall prevent any owner or occupier of the said marsh lands from opening, closing, or altering any

cut or drain, or carrying on any other work on his own land not injurious to any other owner or occupier of the said lands.

**Saving for rights of Crown and others**

4 Saving always, to the Queen's most excellent Majesty, Her heirs and successors, and to all bodies politic and corporate, and their successors, and to all and every other person and persons not mentioned in this Act as proprietors of the Pembroke marsh lands all such estates, rights and interests as they, every or any of them, could or might have had and enjoyed in case this Act had not been made.

*[The Act, originally limited duration, was continued in force indefinitely by 1888 : 4.]*

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*[Amended by*

1900 : 38

1952 : 3

1952 : 11

1968 : 231

1988 : 19]