

year or before publication of this act, the justices may hold special sessions to appoint commissioners, &c.

this year, or shall be held before the publication of this act, it shall and may be lawful for the justices of the sessions in such counties as soon as conveniently may be after the publication of this act, to hold a special sessions and to appoint commissioners and surveyors for the towns or parishes in their respective counties, for the purposes herein before-mentioned, to serve for the present year and no longer, which commissioners and surveyors shall have all the powers and authorities and be subject to the same regulations, rules, restrictions, penalties and forfeitures to all intents and purposes as if they had been appointed at the stated session, agreeable to the directions of this act.

### CAP. XXXIII

## An ACT for regulating and facilitating the NAVIGATION of the RIVER SAINT JOHN, and other RIVERS in this PROVINCE.

Preamble.

**W**HEREAS the navigation of the river Saint John, and other rivers in this province, and particularly in those parts thereof where from the rapids, and for other causes, it is often found necessary to tow small vessels, boats, and rafts of lumber, along the sides, and near the shores of said rivers, is often obstructed by felling trees, standing on the banks of said rivers, and by casting and leaving the same across said banks; partly on the banks, and partly in said rivers, and by logs, and other heavy bodies being deposited and lodged by the freshes and otherwise, on said banks, and on the shores of said rivers.

Commissioners and surveyors of roads to be surveyors of rivers, and empowered to clear rivers, &c. of incumbrances, &c.

II. *Be it enacted by the Governor, Council and Assembly*, That the commissioners and surveyors of roads that shall be annually appointed or chosen in the several towns or parishes, in the respective counties in this province, shall be surveyors of rivers, who shall take care that all rivers, and the banks and shores thereof, within the respective districts assigned them, be cleared of all such incumbrances and obstructions to the navigation thereof, that they may be safe and convenient for the aforesaid purposes of passing up and down the same, with small vessels, boats and rafts of lumber, in manner as aforesaid, and the surveyors are hereby empowered to cut down, dig up and remove all sorts of trees, bushes, or other thing or things, that may any way straiten, hurt, hinder, incommode, impede, or obstruct the navigation of said rivers with small vessels, boats, or rafts of lumber, by towing the same or otherwise; and to warn all labourers, owners of carriages, teams and boats, or other things fit and necessary to be employed for the above purposes.

To warn labourers, &c.

III.

III. *And be it further enacted,* That if any person or persons shall hereafter fell any tree or trees standing on the banks of said rivers, and cast and leave the same across said banks, or shall cut down and leave on said banks, any log or logs, or other heavy bodies, such person or persons, shall for each tree, log, or other heavy body felled, cut down, or left on, or across said banks, in manner aforesaid, forfeit and pay a fine or penalty of twenty shillings, to be recovered by complaint to a justice of the peace, as in the case of refusal to labour on the highways, and appropriated for the purpose of clearing said rivers, by the surveyors within whose district the offence shall be committed. And the said surveyors are hereby authorized to command the assistance of the inhabitants of the parish for the purposes aforesaid, in like manner as for working on the highways, and the work so done by each person shall be considered and returned by said surveyor and allowed for, as so much work done on the highways.

Persons felling trees, &c. on banks of rivers to forfeit and pay for each tree, &c.

Surveyors to command assistance of inhabitants and work allowed as in case of highways.

### CAP. XXXIV.

## An ACT for securing the NAVIGATION of the RIVER MAGGAUGAUDAVICK.

**W**HEREAS the security of the free navigation of the river Maggaugaudavick through its extensive communications, must be highly conducive to the settlement thereof, and greatly tend to the encouragement of the lumber trade, at present the most important branch of commerce in the province.

Preamble.

II. *Be it enacted by the Governor, Council and Assembly,* That no person or persons shall raise a dam or throw a boom across the main river Maggaugaudavick, and any person or persons so offending shall forfeit the sum of twenty pounds, the half of which sum shall be for the informer and the other half for the poor of the township where the offence shall be committed, to be recovered by bill, plaint or information, in any of his Majesty's courts of record within this province.

Persons raising dams, &c. across the river Maggaugaudavick to forfeit £20.

III. *Provided always,* That it shall and may be lawful to throw a boom or booms across said river at or below the carrying-place or portage, immediately above the first falls of said river, which falls are next adjoining to the salt water, for the purpose of stopping masts, spars, rafts or other lumber to be hauled over the said portage where the height and rapidity of the stream renders the further conveyance of them by water unsafe.

Booms may be thrown across said river at or below the carrying-place above the first falls, and by masts, &c.

IV. *And be it enacted,* That any person or persons who may think it expedient to erect a mill or mills, upon said river Maggaugaudavick,

Persons erecting mills upon said carrying-place,