

Surveyors of Mill Dams to be appointed by the Sessions, and sworn as other Parish Officers.

On application, Surveyors of Dams to examine Streams, and Dams without Sluiceways, and report to the Justices in writing.

Justices to examine and may order Sluiceways to be formed by the owner of the Dam.

On failure of erection, Dam to be deemed a nuisance.

Surveyor's remuneration to be paid by the party applicant.

Act not to affect local enactments.

Limitation.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace in General Sessions, for the several Counties in this Province, to appoint one or more proper person or persons for each Parish (where the same may be required,) as Surveyors of Dams, and who shall be duly sworn to the faithful performance of his duty, in like manner as other Parish Officers so chosen or appointed, and whose duty shall be, when called upon for that purpose by any person or persons who may require a sluice way for the purpose of driving Timber, Logs, Deals or other Lumber down or over any Dam or Dams now erected or hereafter to be erected across any of the small Rivers or Streams in this Province, to proceed to and examine the said Stream or Streams, as well as all Dams across the same having no proper sluice way therein, and report to the said Justices his or their opinion as to the necessity of such sluiceway in the said Dam or Dams; which report shall be made in writing under the hand of said Surveyor to the said Justices in General Sessions, which said Justices shall on receipt of such report recommending such sluiceway in any such Dam or Dams across any such small River or Streams in their respective Counties, proceed to investigate the same, giving the party or parties interested an opportunity of stating their objections to such contemplated sluiceway; and if upon such investigation they should determine to adopt the suggestions of the said report, then and in such case the said Justices shall give notice in writing to the owner or owners, occupier or occupiers of such Dam or Dams, that a good and sufficient sluiceway is required in such Dam or Dams, when the said owner or owners, occupier or occupiers of such Dam or Dams, shall at his or their own expense, erect such sluiceway within such number of days, after such notice being given, as they the said Justices may think proper; and in case the said owner or owners, occupier or occupiers of any such Dam or Dams, shall refuse or neglect to erect the said sluiceway within the time so appointed, the said Dam or Dams shall be deemed a public nuisance, and the party or parties being convicted of offending therein, on trial by indictment for the same at the General Sessions held for the County in which the said Dam or nuisance may be, shall be fined at the discretion of the said Court in a sum not exceeding twenty pounds; and the said Court are hereby empowered, on such conviction, to order the said nuisance to be abated; provided always, that the necessary expense incurred by the said Surveyor in execution of said duty, with a reasonable allowance for his time when so employed, shall be paid by the party or parties making application for such sluiceway.

II. Provided always, and be it enacted, That nothing herein contained shall affect any local enactment now in force concerning any particular River or Stream therein named, or the rules and regulations of such River or Stream therein authorized or established, or the common law rights of any individual.

III. And be it enacted, That this Act shall continue and be in force for two years and no longer.

### CAP. XXI.

An Act to revive, continue and amend the Act for the establishment of Boards of Health in this Province.

Passed 30th March 1848.

Act 3 W. 4, c. 28, revised.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the establishment and*

and regulation of Boards of Health in the several Counties in this Province, be and the same is hereby revived and declared to be in full force, and shall continue in operation until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty; provided always, that all former Boards of Health heretofore appointed and established while the said recited Act was in operation shall be deemed to have been dissolved, and not revived by this Act.

Former Boards of Health not to be deemed revived.

II. And be it enacted, That no money shall be expended by any Board of Health, appointed or to be appointed under and by virtue of this Act, until such expenditure so to be made shall have first received the sanction and approbation of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, in Council, any thing contained in the said recited Act to the contrary notwithstanding.

No money to be expended without the previous sanction of the Lieutenant Governor.

### CAP. XXII.

An Act to authorize the Justices of the Peace in the several Counties of this Province to make Regulations for the Markets.

Passed 30th March 1848.

**WHEREAS** the want of properly established Markets in the several Towns in this Province is found to be attended with great inconvenience to the inhabitants of the said Towns; for remedy whereof,

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the several Counties in this Province, at any General Sessions of the Peace to be holden in and for the said Counties, to establish and define the bounds of one or more Market Places as may be required in each Town; and to make regulations for the slaughtering of any animals in the said several Towns, and for the selling or vending of any dead meats, and to make such rules and regulations for the care and management of any Public Market House now or hereafter to be established in the said several Towns, and to enforce such fines and penalties, not to exceed the sum of forty shillings, for the non-observance of any such rules and regulations as the said Justices may deem necessary to make; any law, usage or custom to the contrary notwithstanding; provided always, that nothing in this section contained shall authorize the said Justices to lay any tax on any such dead meats, or on the sale thereof.

Justices in General Sessions authorized to establish Market Places, and regulate the slaughtering of animals and sale of dead meat; and management of Market Houses.

II. And be it enacted, That this Act shall not extend or be construed to extend to the City of Saint John.

Act not to extend to the City of Saint John.

III. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty three.

Limitation.

### CAP. XXIII.

An Act to regulate the measurement of Fire Wood and Bark.

Passed 30th March 1848.

**WHEREAS** it is desirable that a more uniform and certain mode be established in this Province for the measurement of Fire Wood and Bark;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all Fire Wood and Bark, when bought or sold by measurement within this Province, shall be measured by the cord; which cord, when the said Wood or Bark is measured on the ground or other flat surface, shall be eight feet in length, four feet in breadth or width, and

The cord measure by which Wood and Bark are to be sold, defined.