

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 20

An Act for the regulating of the Navigation of small Rivers and Streams, and the building of Dams across the same, in this Province. Passed 30th March 1848.

Whereas the erecting of Mill Dams across the small Rivers and Streams of this Province, without passage ways for Timber, Logs and other Lumber, through or over the same, impedes or stops the transport of all such Timber and other cumbrous articles, to the great injury of the Lumbering Interest of the Province, as well as retards the settlement of the Wild Lands on such Rivers or Streams;

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.