

## CHAP. XVI.

*AN ACT to prevent the felling of Trees into certain Rivers and Creeks within this Province.*

[Passed 11th May, 1839.]

**W**HEREAS much injury has arisen and may continue to arise from the felling of Trees into the Grand River, Smith's Creek, or River Nith, Preamble. Erb's Creek, or River Speed, in the District of Gore; Otter Creek, in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake, the River Scugog and River Trent, from Rice Lake to the Bay of Quinte, and Crow River, in the Newcastle and Midland Districts; Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonechere, Madawaska and Goodwood, in the Bathurst District, in this Province, by endangering the Mill Dams and Bridges, and impeding the navigation thereof: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of August next, every person or persons, or their employers, cutting and felling any Trees into the said Grand River, River Nith, River Speed, in the District of Gore; Otter Creek, in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake, the River Scugog, and the River Trent, from Rice Lake to the Bay of Quinte, and Crow River, in the Newcastle and Midland Districts; the Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonnechere, Madawaska and Goodwood, in the Bathurst District, within this Province, or upon such parts of the banks thereof as are usually overflowed in the Autumn or Spring of the year, by means of the rising of the water of the said Rivers, who shall not lop off the branches of such Trees, and cut up the trunks thereof into lengths of not more than Conditions on which Timber may be cut, on the banks of certain Rivers, and floated thereon; eighteen feet, before they are or shall be allowed to be floated or cast into the said Rivers or any of them, shall for every such offence forfeit and Branches to be lopped, and trunks cut into lengths not exceeding 18 feet;

Penalty for violation of prescribed rules.

pay the sum of Fifty Shillings, or such less sum as is hereinafter provided in this Act.

Mode of conviction and levying forfeiture;

II. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the said first day of August next, cut down or fell any Trees as aforesaid, contrary to the provisions of this Act, shall upon conviction before any two Justices of the Peace, in the District in which such person or persons may reside, or have committed such offence, upon the oath of one or more credible Witness or Witnesses, pay such fine as to the said Justices the case may seem to require, not exceeding the sum of Fifty Shillings, to be levied by distress out of the goods and chattels of the said person or persons so convicted, by execution under the hand and seal of either of the said Justices, which execution either of the said Justices is hereby empowered to issue; and in case no distress can be found wherefrom to levy such fine, or that the said person or persons so convicted do not otherwise pay the said fines, within three days after conviction, then and in such case the said Justices may confine the said person or persons in the common Gaol of the District where such person or persons shall be convicted, for the term and space of ten days, unless the said fine and costs be sooner paid.

Imprisonment on default of payment.

Application of penalties levied.

III. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures to be levied by virtue of this Act, shall be paid into the hands of the Treasurer of the District where the same shall be levied, and shall be applied with improvement of the roads within the same.

Exception, in regard to Timbers, &c. prepared for market.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall apply, or be deemed to apply, to any round or squared Timber, or Trees, Masts, Staves, Deals, Boards or other Sawed or Manufactured Lumber or Saw Logs, prepared for transportation to a market.