



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XX.

An Act to amend, explain and continue an Act passed in the Seventh year of the Reign of Her Majesty, intituled "*An Act to prevent Obstructions in Rivers and Rivulets in Upper Canada.*"

[28th July, 1847.]

WHEREAS doubts have arisen as to the true construction and meaning of an Act past in the seventh year of the Reign of Her Majesty, intituled, *An Act to prevent Obstructions in Rivers and Rivulets in Upper Canada*, and it is necessary that the meaning and intent of the said recited Act, should be declared, and that the same should be amended and continued: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any person who shall throw into any river, rivulet or watercourse,—or any owner or occupier of a mill who shall suffer or permit to be thrown, in that part of this Province heretofore known as Upper Canada, any slabs, bark, waste stuff or other refuse of any saw-mill (except saw dust) or any stumps, roots, shrubs, tan-bark or waste wood, timber, or leached ashes,—or any person or persons who shall fell, or cause to be felled, in or across any such river, rivulet or watercourse, any timber or growing or standing tree or trees, and shall allow the same to remain in or across such river, rivulet or watercourse, shall thereby incur a penalty not exceeding five pounds and not less than one shilling for each day during which such obstruction shall remain in, over, or across such river, rivulet, or watercourse, over and above all damages which shall arise therefrom; and that such penalty and damages shall and may be respectively recovered with costs, in a summary way, before any one or more of the Justices of the Peace for the District, in the manner provided by the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property*; Provided always that nothing herein contained shall extend or be construed to extend to any dam, weir or bridge erected in or over any such River, Rivulet or watercourse or to any thing done *bonâ fide* in the erection or for the purpose of the erection of any such dam, weir or bridge, or to any tree cut down or felled across any such River, Rivulet or watercourse for the purpose of being used as a means of passage from one side of any such River, Rivulet or watercourse to

Preamble.
7 Vict. c. 36
cited.

Penalty on
persons ob-
structing rivers
or rivulets in
U. C.

To be recover-
able in the
manner pro-
vided by 4 and
5 Vict. c. 26.

Proviso:
Act not to ex-
tend to dams,
weirs or brid-
ges, or trees
used as brid-
ges.

the

Provided such tree does not obstruct the water or the passage of Rafts, &c.
 Proviso as to obstructions not wilful.

the other : Provided always further, that such tree shall not be suffered to lie across such River, Rivulet or watercourse in such a manner as to impede the flow of water or the passing of rafts in the same ; Provided also, that no obstruction happening without the wilful default of, or in the *bonâ fide* exercise by any party of his rights, shall occasion to the party any fine or forfeiture unless upon default to remove such obstruction after notice and reasonable time afforded for that purpose.

Act amended to apply to penalties under this Act.

II. And be it enacted, That all the provisions of the Act hereby amended, shall apply to the penalties and the mode of enforcing payment and the appropriation thereof, and to all the proceedings under this Act.

Duration of this Act and of the Act amended.

III. And be it enacted, That this Act and the Act hereby amended and explained, shall be and continue and remain in force for the full term of four years from the passing hereof, and thence until the end of the then next Session of the Provincial Parliament and no longer.

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