



ANNO UNDECIMO
VICTORIÆ REGINÆ.

CAP. X.

An Act to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira.

[23rd March, 1848.]

WHEREAS it is expedient to make more effectual provision for facilitating the passing of Lumber on the River Moira, and its tributaries, on which Lumber is floated to market, and for that purpose to repeal the Act hereinafter mentioned, and to substitute other provisions instead thereof: 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 the United Kingdom 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 the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to require Slides of certain dimensions to be erected upon the several Mill Dams in the River Moira and its tributaries, in the District of Victoria*, be and the same is hereby repealed.

Preamble.

Act 9 Vict., c. 52, repealed.

II. And be it enacted, That the owner or occupier of any Dam erected or which may be hereafter erected on the River Moira or its tributaries in the District of Victoria, on which Lumber is floated to market, shall, on or before the first day of October next after the passing of this Act, have or construct and thereafter maintain constantly in repair a good and sufficient Apron to such Dam, at least thirty-two feet in width (if the Dam be of that or of greater width, and if not, then of the width of the Dam) and at least five feet in length for every foot rise of such Dam; and the Dam at the place where the said Apron shall be constructed, shall be at least two feet lower than the top of the said Dam, at any other place, (unless it occupy the whole width thereof as aforesaid) except where the rise of the Dam shall be less than four feet, in which case the height of the Dam at the place where the Apron is constructed shall not exceed one-half its height at any other place; and such Apron shall be constructed on the main channel of the stream, and shall have its highest part one foot below the level of the Dam at the place where it joins the same, under a penalty of one shilling and three pence, currency, for each day on which the requirements of this Act shall remain uncomplished; and such penalty shall be recoverable before any two Justices of the Peace for the District in which the offence shall have been committed, upon the complaint of any person engaged in carrying on the Lumber Trade upon the said River or any tributary thereof, upon

Aprons of a certain size to be constructed to Dams on the River Moira and its Tributaries.

Penalty for Contravention.

How such penalty shall be recovered and enforced.

Proviso Pen-
alty if not paid
may be levied
by distress.

Proviso as to
aprons already
constructed.

upon the oath of one credible witness other than the informer: Provided that if the said penalty be not paid, it shall be levied by distress and sale of the goods and chattels of the offender by Warrant under the hand and seal of such Justices or either of them, and such penalty shall be applied and shall appertain one moiety thereof to Her Majesty for the public uses of the Province and the other moiety to the prosecutor: And provided also, that nothing herein contained shall be construed to oblige any such owner or occupier of a Dam to alter any Apron constructed before the passing of this Act, until such Apron shall require to be renewed; and in case any Apron now constructed or hereafter to be constructed shall be carried away, destroyed or damaged by flood or otherwise, the owner or occupier of the Dam to which the same was attached shall not be liable to such penalty as aforesaid, provided such Apron be repaired or re-constructed in conformity to this Act, so soon as the state of the stream shall be such as to permit such owner or occupier to repair or re-construct the same with safety; but if he fail then to repair or re-construct such Apron, he shall be liable to the penalty aforesaid.

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