

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbshire & George Desbarats, 1843.

7 Victoria – Chapter 36

An Act to prevent obstructions in Rivers and Rivulets, in Upper Canada. 9th December, 1843.

Whereas great inconvenience is occasioned by persons throwing Slabs, Bark, Waste Stuff, and other refuse of Saw Mills, Stumps and Waste Timber or leached ashes into the Rivers and Rivulets in Upper Canada, and it is expedient to prevent the said practice; 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 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 or Waste Timber or leached ashes, and shall allow the same to remain in such River, Rivulet or Watercourse, shall thereby incur a penalty not exceeding five pounds, currency, and not less than one shilling, currency, for each day during which such obstruction shall remain therein, over and above all damages which may 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 Justices of the Peace, in the manner provided by an Act passed in the fourth and fifth years of Her Majesty's reign, chapter twenty six, intituled, *An Act for consolidating and amending the laws in this Province relative to malicious injuries to property*.

II. Provided always, and be it enacted, that in no such case shall the amount levied exceed five pounds, currency, and costs; and that any party who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the Court of General Quarter Sessions of the District, in the manner and under the conditions and provisions of the Act last above cited, with regard to appeals from convictions and decisions under that Act.

III. And be it enacted, that of all pecuniary penalties levied under this Act, one third shall go to the informer, and the other two thirds to the Township in which the offence shall have been committed, and shall be expended in improving the Public Highways therein, and in case of damages to private property arising out of a violation of this Act, the assessed damages shall be paid to the party aggrieved, except in cases where the party shall have been examined in proof of the offence in which case the same shall be applied to the improvement of the public highways in the Township as above provided, any law to the contrary notwithstanding.

IV. And be it enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of injury done, or which shall be imposed as a penalty, together with the costs, shall not be paid at the time stated in the conviction, or appealed from, it shall be lawful

for the convicting Justice to issue his warrant of distress, and in case there shall not be sufficient goods and chattels found to satisfy the same, to commit the offender to the common gaol of the respective County or District, until the fine or damages (as the case may be) and costs, be paid, not however, exceeding thirty days.

V. And be it enacted, that this Act shall be and remain in force for the full term of four years from the passing thereof, and from thence until the end of the then next Session of the Provincial Parliament, and no longer.