

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 87

**An Act to amend an Act passed in the Parliament of Upper Canada in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to provide for the construction of Aprons to Mill Dams over certain Streams in this Province*, and to make further provision in respect thereof. 30th May, 1849.**

Whereas it is necessary to declare that Aprons to Mill Dams which are now required by Law to be built and maintained by the owners and occupiers thereof in Upper Canada, should be so constructed as to allow a sufficient draught of water to pass over such Aprons as shall be adequate in the ordinary flow of the Streams to permit Saw Logs and other Lumber to pass over the same without obstructions: 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, 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 on from and after the first day of October next, it shall be the duty of each and every owner or occupier of any Mill Dam at which an Apron or Slide is by the said Act required to be constructed, so to have altered and if not already built, to have constructed such Apron or Slide so as to afford depth of water sufficient to admit of the passage over such Apron or Slide of such Saw Logs, Lumber and Timber, as are usually floated down such Streams or Rivers whereon such Dams shall be erected; Provided always, that every such owner or occupier of any such Dam may construct a Waste Gate or put up Brackets and Slash Boards in, upon and across any such Apron for the purpose of preventing any unnecessary waste of water therefrom, and to keep the same closed at all times when no person or persons shall be ready and require to pass or float any Craft, Lumber or Saw Logs over any such Apron or Slide, but not until such Craft, Raft, Lumber or Saw Logs shall have gained the main Channel of the Stream: Provided also, that no person shall be required to build such Aprons or Slides on small Streams unless required for the purposes of rafting or floating down Lumber and Saw Logs as aforesaid.

II. And be it enacted, That no Apron to any Mill Dam on the River Ottonabee, shall be less than thirty-two feet wide by an inclined plane of five feet to a perpendicular of one foot, and so in proportion to the height of the Dam; and that side pieces of at least one foot in height, shall be fixed on the outsides of every such Apron to confine the water and prevent the timber from falling off at the sides.

III. And be it enacted, That every owner or occupier of any such Dam, who shall neglect or refuse to make and construct, if not already made and constructed, and keep in repair an Apron of such description as aforesaid, shall pay a penalty of ten shillings per day, for every day during which such owner or occupier shall have neglected to comply with the requirements of this Act, and such penalty shall be recoverable before any two Justices of the Peace for the District in which the

offence shall have been committed, on the oath of two credible Witnesses, and if not paid, shall be levied by distress and sale of the goods and chattels of the offender, by a Warrant under the hand and seal of such Justices or either of them, and shall be paid to the Treasurer of the Municipal Corporation having jurisdiction within the locality where such Dam shall be erected, for the general uses of the Municipality.

IV. Provided always, and be it enacted, That 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 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.

V. And be it enacted, That it shall be lawful for all persons to float Saw Logs and other Timber Rafts and Craft down all Streams in Upper Canada, during the Spring, Summer and Autumn Freshets, and that no person shall by felling trees or placing any other obstruction in or across such Stream, prevent the passage thereof; Provided always, that no person using such Stream in manner and for the purposes aforesaid, shall alter, injure or destroy any Dam or other useful erection in or upon the bed of or across any such Stream, or do any unnecessary damage thereto or on the Banks of such Stream; Provided there shall be a convenient Apron, Slides, Gate, Lock or opening in any such Dam or other structure made for the passage of all Saw Logs and other Timber, Rafts and Crafts authorized to be floated down such Stream as aforesaid.