

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 102

**An Act to amend an Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, relating to Agriculture in Lower Canada, in so far as the said Act concerns Navigable Rivers and Rivulets, and the banks thereof used in the floating and conveyance of Wood and Timber. 30th August, 1851.**

Whereas it is provided and enacted by the second section of an Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture*, "that no person shall enter into or pass through any field, whether it be sown or unsown, nor along the banks of any river or rivulet, nor into nor through any garden, coppice, or other property whatsoever, without the permission of the proprietor, or some person duly authorized by him to grant such permission, under a penalty of not less than Five Shillings, nor more than Thirty Shillings currency for every such offence, and over and above the amount of all damages occasioned thereby," and it hath been represented, that the aforesaid provision is a great impediment to Lumberers, and others engaged in the conveyance of Timber down rivers navigable and used therefor in this Province; And whereas the Lumbering Business, Manufacture of Wood, and Trade in Timber, are of great importance, and it is therefore necessary to secure to such Lumberers and others, every facility and convenience which the Laws of the Province afford for the driving and safe conveyance by water of such Wood or Timber in Rafts or otherwise, whether for fuel or for mercantile purposes, from the places where manufactured to the market: 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 declared and enacted by the authority of the same, That nothing in the aforesaid section of the above in part recited Act shall be construed to prevent any person or persons from the full and free use of any navigable river, rivulet, stream or water-course, and the banks thereof on either side, in that part of this Province which formerly constituted Lower Canada, proper for the floating and conveyance of Wood or Timber, or for the general purposes of navigation, but that all such rivers, rivulets, streams and water-courses, and the banks thereof on either side, to such extent as may be necessary, and in accordance with the laws, usages and customs of that part of this Province which formerly constituted Lower Canada, shall be and remain free to the public, as fully and entirely, to all intents and purposes, as if the above recited clause of the aforesaid Act had never been passed, nor made part thereof: Provided always, that all persons so passing, or landing upon the banks of any such river, rivulet, stream or water-course, shall repair immediately thereafter the fences, drains or ditches which they shall have damaged, and be liable for all other damages resulting therefrom.