

"ing such River therein as are fit and useful for the conveying down of Timber, Fire wood, Saw Mill Logs, and Boards, from such as are not ; and whereas it is highly necessary that the same should be known and distinguished in Order that Persons desirous of making, or that Persons who may already have made, any Mill Dam or other Obstructions on or across certain Rivers or streams should be apprised of the Necessity of building or enlarging the Waste Gates or Apertures thereof, in such Manner as to admit a Passage for said Timber, Fire wood, Saw Mill Logs and Boards through the same."

IX. *Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices in their first General Quarter Sessions to be holden in each county in this Province, and they are hereby directed, either by their own View or Knowledge or by the view or Knowledge of three Persons of their Appointment to distinguish such Rivers or Streams in their respective Counties, as shall appear to them to be of public Utility in respect to the furnishing or supplying of said Timber, Fire wood, Saw mill Logs and Boards ; and thereupon, the said Justices shall make an Order in writing therein requiring all Persons who may in future make any Mill Dam, or other Obstruction on or across any such Rivers or Streams to form in the same a Waste Gate or other Aperture sufficient not only for the Fish to pass through, but also for a convenient Passage of said Timber, Fire Wood or Saw Mill Logs and Boards ; a Copy of which Order the said Justices shall cause to be duly published by fixing up the same at several of the most public or frequented Places in the said Counties respectively, and all Persons making Mill Dams or other Obstructions, on or across Rivers or Streams in this Province, so distinguished; contrary to the true Intent and Meaning of this Act, shall be subject to be proceeded against in the same Manner, and be liable to the same Distress, Penalty and Imprisonment, as Persons are subject and liable to by this Act, in the Cases herein before expressed and declared, and all such Mill Dams or other Obstructions, as shall appear not to be so constructed or formed as to admit a Passage, as well for Timber, Fire Wood, Saw Mill Logs and Boards, as for the several Kinds of Fish herein before enumerated, shall be subject to be prostrated and destroyed by Virtue of such Process; and in such Manner as is hereby directed in Cases of Mill Dams, or other Obstructions on or across Rivers or Streams; which are not so distinguished by the said Justices in Session.*

X. *Provided nevertheless, and it is hereby Enacted, That none of the Penalties or Forfeitures inflicted by this Act shall extend, or be construed to extend, or applied to such Person or Persons, who may heretofore have erected a Mill Dam on or across any River or Stream in this Province with the general Consent and Approbation of the People, living or inhabiting near the same, and against the erecting of which no Complaint shall appear to have been made to any Court having Cognizance thereof, but in all Cases where a Waste Gate or other Aperture shall by the said Justices in Session be judged necessary to be made in such Mill Dams for a Passage to the said Fish, Timber, Fire Wood, Saw Mill Logs and Boards, the same shall be done under the Inspection and Direction of one or more Persons, whom the said Justices shall, or may appoint for that Purpose with as little Damage or Injury as possible to the Owner or Owners of said Mill Dam, and at the Expence of the Town, wherein the same shall happen to be.*

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" And

Justices in their first Quarter Session.

to distinguish Rivers useful for the supplying of Timber &c.

And to order all Persons making a Mill Dam, &c., &c. to form a Waste Gate &c.

Persons acting contrary to this Act, to be proceeded against in the Manner before expressed; Mill, Dams &c.

Not so constructed to be prostrated, in such Manner as directed

No Penalty to extend to Persons who have heretofore erected Mill Dams, &c. with the approbation of the People Waste Gates &c. to be made by the Direction of Justices when necessary in such Mill Dams.