

RIVERS AND STREAMS.

In both *Nova Scotia* and *New Brunswick* rivers are, by statutory enactment, declared to embrace streams, creeks, or brooks.

In *Nova Scotia*, on the application of twenty freeholders, resident in the locality of any river, or owning lands thereon, or interested in lumbering thereon, or otherwise using the said river for transportation purposes—first approved of by the Sessions and Grand Jury—the Government is authorized to appoint three or four Commissioners for clearing and removing obstructions between such points in the river, as the Grand Jury and Sessions shall designate. And for that purpose the said Commissioners may enter on public and private lands, remove obstructions, erect wing-dams, and do all other acts necessary for facilitating its use for the purpose mentioned; and they may make regulations, preventing the throwing in or falling in of slabs, refuse wood or saw-dust, from saw-mills; and the Sessions may impose penalties therefor, and direct the mode of recovery thereof. These penalties, which were by the former Act limited from \$1 to \$8, are now increased by chap. 6, 1870 to, "from \$8 to \$40."

For the above purpose the Commissioners may borrow any necessary sum—not exceeding \$4,000—and secure the repayment thereof by the imposition of tolls sanctioned by the Sessions, upon the articles brought down the river. Such tolls, however, only to last until the money borrowed, with interest, has been repaid; and an account thereof, with the expenditure and other proceedings of the Commissioners, to be annually submitted to the Sessions for audit.

The authority so given is to sanction no claim upon the Provincial Revenue, or interference with the navigation or fisheries further than may be absolutely necessary, and not to injure or affect private rights, otherwise than as expressly provided.

The Sessions have a general power to regulate the transportation of logs and lumber on rivers, and the erection of booms, and the fees for boomage, &c.

In *New Brunswick* there is no law of the character of that of *Nova Scotia*, but the Sessions have power to make regulations for the preservation of the navigation of rivers and harbors, &c., and for preserving the banks of rivers, and for the regulations and management of booms for holding timber, &c., and for driving timber and logs, fixing tolls for boomage, &c.

And by special enactment, with reference to the sea and river fisheries, no slabs, edgings or other mill rubbish, saw-dust excepted, shall be allowed, or put in any river or stream, under a penalty varying from 10s. to £15.

The Corporation of the cities of *St. John* and *Fredericton*, have similar and further powers also with reference to the same and other subjects.

In *Ontario*, by a special Act, chap. 47, C. S., U. C., the conditions on which trees may be cut on certain enumerated rivers, are particularly set forth—sec. 1.

In case any person throws, or any mill-owner suffers, or permits to be thrown into any river, rivulet, or water-course, any slabs, bark, waste stuff, or other refuse of any saw-mill (except saw-dust), or any stumps, roots, shrubs, tan bark, &c., or any person cuts or falls any tree across any river, rivulet, or water-course, and allows them to remain, he incurs a penalty from 20 cents to \$20 for each day such obstruction remains, over and above all damages, &c. (weir-dams and *bona fide* crossings, not impeding the flow of water or passing of rafts excepted). Provisions are made for the recovery of these penalties.

From this Act, the River *St. Lawrence*, the River *Ottawa*, and rivers and rivulets, "where salmon, pickerel, black bass or perch do not abound," are excepted.