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No. 198.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to prevent Mill Owners and others from restraining the natural flow of streams in certain cases in Upper Canada.

Received and Read a first time, Thursday, 22nd
March, 1849.

Second Reading, Thursday, 29th March, 1849.

Mr. FLINT.

PRINTED BY LOVELL AND GIBSON.

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BILL.

An Act to prevent Mill Owners and others from restraining the natural flow of streams in certain cases in Upper Canada.

WHEREAS it is unjust that the owner Preamble.
or occupier of a mill on any stream should so restrain the natural flow of the waters thereof, as unfairly to prevent other
5 mills lower down the same stream from being properly supplied with the water: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That from and after the passing of
10 this Act, it shall not be lawful for the owner or occupier of any mill, or for any person or persons in their employ or otherwise, to put
on splash boards or false tops to any mill dams now built or hereafter to be built on
15 any river or stream in Upper Canada, in such manner as to prevent the natural flow of the water, to the injury of any mill owner or occupier of any mill on the same river or stream below such dam, for a longer
20 time than eight hours out of every twenty-four, nor in any other way to obstruct, or prevent the natural flow of the water in such river or stream for a longer period in each day: Provided, that this Act shall not affect
25 any vested right granted by any patent from the Crown for such purpose as aforesaid. Proviso.

II. And be it enacted, That the owner or
occupier of any mill, or any person or per-
sons in their employ or otherwise, so ob-
30 structing the natural flow of water as afore-
said, may be summoned before any two Jus-
tices of the Peace for the District, residing
within the Township or County in which the Penalty on parties contravening this Act.

offence has been committed, and shall upon conviction thereof upon oath of the complainant and of one other competent witness, be subject to a penalty of *two pounds ten shillings* and costs, for the first conviction, and for every subsequent conviction to the penalty of *five pounds* and costs; and in default of payment of such penalty within ten days after conviction, such penalty, together with the costs shall be levied by distress and sale of the goods and chattels of the party or parties convicted, and if no goods or chattels be found, then the party or parties convicted shall be imprisoned in the Common Gaol of the District or County in which he or they reside for a space not less than twenty days, nor exceeding one calendar month, unless the fine and costs be sooner paid: **Provided**, nevertheless, that the party or parties so convicted may appeal to the Court of General or Quarter Sessions of the Peace for the District or County held next after such conviction, and the said Court may confirm or quash such conviction, with costs.

How levied or enforced.

Proviso :
Appeal given.

III. And be it enacted, That all moneys collected under this Act for penalties, shall be paid over to the Treasurer of the District or County wherein the offence was committed, for the use of the same.

Application of penalties.