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No. 130.

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1st Session, 6th Parliament, 21st Victoria, 1858.

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(PRIVATE BILL.)

**BILL.**

An Act to permit C. S. Clark to retain the  
Dam and Booms built by him on the St.  
Francis river.

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Received and read, first time, Monday, 3rd  
May, 1858.

Second reading, Thursday, 6th May, 1858.

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MR. POPE.

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TORONTO:  
PRINTED BY JOHN LOVELL, YONGE STREET.

**An Act to permit Cyrus S. Clark to retain the Dam and Booms built by him on the Saint Francis River.**

**W**HEREAS it hath been represented by the petition of Cyrus S. Clark, of the Township of Brompton, in the County of Richmond, in the District of Saint Francis, lumber merchant, that large sums of money have been expended by him in erecting upon the bank of the River Saint Francis, upon the east half of lot number thirty, in the fourth range of the said Township of Brompton, a saw-mill and a dam across the said river, and in the erection of booms in the river for a distance of about three miles above the dam, and that for the construction of the said works he hath acquired the right, so far as private interests are affected, and that the maintenance of the said works contribute greatly to the advantage of the public; and it is expedient to secure him in the peaceable enjoyment thereof; Therefore Her Majesty, &c., enacts as follows:

I. The said Cyrus S. Clark, his heirs and assigns, is, and are hereby permitted and authorized to retain and keep the dam erected by him across the said River Saint Francis, on the said lot number thirty, in the said Township of Brompton, at the height at which it hath been erected, and to keep and retain the booms for holding logs upon the said river within the distance of three miles above the said dam, and to construct other booms within the distance of three miles above the said dam in the said river if he shall find it necessary for the purpose of holding logs, and to repair or reconstruct the said dam and booms at the same height, and of the same kind, whenever the same from decay or from other causes shall require to be repaired or reconstructed; Provided always, that this Act shall not secure to the said Cyrus S. Clark, his heirs or assigns, any right to flow by means of the said dam or booms the lands of any other person, or in any way injure the same, without the consent in writing obtained from such proprietors, and shall not in any way affect or prejudice the rights of such proprietors for damage occasioned by such dam and booms.

C. S. Clark may maintain the said dam and booms.

Proviso: he shall be responsible for all damages thereby occasioned.

II. The owner or owners of the said dam and booms for the time being shall be held to possess, and be beneficially interested in, the said dam and booms so erected, so that he or they may be able to maintain actions at law or in equity against any person or persons who may break down, destroy, or injure the said dam or booms, or who shall in any wise prevent the use or enjoyment thereof by the owner or owners thereof.

Owners of the dam and booms to have certain rights of action.

III. The owner or owners of said dam shall construct and keep from the first of June to the twentieth of October in each year, attached to

Fish-way to be constructed

under the  
Fishery Act.

the said dam, a fish-way of such form and dimensions as shall be determined by the Governor in Council, in conformity with the twenty-sixth section of "*The Fishery Act*," and shall conform to all provisions of law now in force, or which may be enacted, respecting the passage of fish ascending the said river.

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Slides to be  
made for the  
passing of  
logs, &c.

IV. The owner or owners of the said dam for the time being shall conform to any order of the Governor in Council which may at any time be made respecting the construction of slides or other appliances for the transmission of logs or other freight down the said river past the said dam, and his or their failure to make, construct, and keep in repair such slides or other appliances as aforesaid, in conformity with such order; and if the passage of the said river shall be obstructed in contravention of such order for a period of thirty days after the publication thereof, the grant hereby intended to be made shall be absolutely null and void.

Penalty for  
default.

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Act may be  
repealed, &c.

V. If it shall be hereafter found necessary in the interest of the public to amend or repeal this Act, such amendment or repeal shall not be considered an infringement of the privileges hereby granted.

Public Act.

VI. This Act shall be deemed a public Act.\*