

CHAP. 40.

An Act to amend the Act intituled "An Act respecting Larceny and other similar offences."

[Assented to 8th April, 1875.]

Preamble.

HER Majesty, by and with the advice and consent of the the Senate and House of Commons of Canada, enacts as follows:—

Sec. 111 of 32, 33 V., c. 21, repealed. Another substituted.

1. Section one hundred and eleven of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting Larceny and other similar offences*," is hereby repealed, and the following substituted to be read in lieu thereof:—

Appropriating timber, &c., found adrift, or defacing marks, &c., or refusing delivery to owner, a misdemeanor.

"III. Whosoever, without the consent of the owner thereof, takes, holds or keeps in his possession, or collects or conceals, or receives, or appropriates, or purchases, or sells or causes or procures or assists to be taken possession of, or collected, or concealed, or received, or appropriated, or purchased, or sold any timber, mast, spar, saw-logs or other description of lumber which is found adrift in any river, stream or lake, or cast ashore on the bank or beach of any river, stream or lake; or whosoever, without the consent of the owner thereof wholly or partially defaces or adds or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or whosoever makes or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber, or whosoever refuses to deliver up to the proper owner thereof, or to the person in charge thereof on behalf of such owner, or authorized by such owner to receive the same, any such lumber, mast, spar, saw-log, or other description of lumber, is guilty of a misdemeanor, punishable in like manner as simple larceny; and in any prosecution, proceeding or trial for any offence under this section a timber-mark, duly registered under the provisions of the Act past in the thirty-third year of Her Majesty's reign, intituled '*An Act respecting the marking of timber*,' on any timber, mast, spar, saw-log, or other description of lumber, shall be *prima facie* evidence that the same is the property of the registered owner or owners of such timber mark; and possession by any such offender, or by others in his employ, or on his behalf, of any such timber, mast, spar, saw-log, or other description of lumber so marked, shall in all cases throw upon the person charged with any such offence the burden of proving that such timber, mast, spar, saw-log or other description of lumber, came lawfully

How punishable.

33 V., c. 36.

Evidence on trial of offence against this section.