

C A P. IV.

AN ACT to prevent the cutting of PINE or other TREES without Permission of the PROPRIETOR, and to prevent the cutting down and destroying of FENCES.

For other Provisions relative to Fences see Note on March Session 20th Geo. 3d, C. 6.

WHEREAS there has been great Waste committed of Pine and other valuable Timber Trees in this Island; to prevent which in future,

Preamble.

I. *Be it enacted by the Governor, Council, and Assembly*, That from and after the Publication hereof, no Person or Persons whatsoever shall cut down or fell any Trees, or Timber, nor bark or box any Pine or other Trees, standing or growing upon any Lands on this Island, nor carry away the same therefrom, without first obtaining a written Licence from the Owner or Owners thereof, or from their Agent or Attorney, on pain of forfeiting and paying the Sum of *Ten Shillings* for every Tree, if the same shall measure twelve Inches through, or under, and for every Tree above that Size so cut, removed, barked, or boxed, the Sum of *Thirty Shillings*; one Moiety thereof to be paid to the respective Proprietors of said Lands and Trees, and the other Moiety to any Person or Persons who shall or may inform or sue for the same, before any of His Majesty's *Justices of the Peace* in this Island: *Provided* the Forfeiture shall not exceed the sum of *Five Pounds*; but if the same should exceed that Sum, then to be recovered by due course of Law, in the *Supreme Court of Judicature*.

After Publication no Person to cut down or bark Trees growing upon Lands on this Island, nor to carry away the same without written Licence from the owner,

on Pain of forfeiting 10s. for every Tree of 12 inches through, or under; and for every Tree above, 30s.

Application of Forfeiture.

II. *And be it further enacted*, That from and after the Publication hereof, all Persons who shall cut or break down, carry away, or in any other Manner destroy any Fence or Fences, or any Part thereof, which now are, or may hereafter be erected, or made, on any Lands or Gardens in this Island, by the Proprietor or Proprietors thereof, or by others employed under him, her, or them respectively, shall, on being duly convicted thereof, forfeit and pay to such Proprietor or Proprietors, or to his, her, or their Tenants, treble the Value of the Damages so done; the same to be appraised by such Fence Viewers, as shall or may be appointed for that Purpose, by the *Justice of Peace* to whom complaint may be made of said Trespass, and shall also thereupon be committed to Prison, there to remain, on their own Expence and Charges, for the Space of *Fourteen Days* from the Time of Commitment, without Bail or Mainprize.

All Persons who shall cut or destroy Fences that are or may hereafter be erected in this Island,

on being duly convicted before any Justice of Peace, to forfeit treble the value of the Damages;

also to be committed to Prison for 14 days.

III. *And be it further enacted*, That no Person shall be liable to any Prosecution under this Act, unless the same be commenced within six Months next after such Trespasses shall or may have been committed.

Prosecution to be commenced within six Months after Trespass committed.

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