

less, that in all cases of timber being ascertained to have been cut without authority on any of the Dominion Lands, or admitted to have been so cut by the holder thereof, the Secretary of State, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, instead of seizing or selling the same. 5

## GENERAL PROVISIONS.

In the absence of satisfactory explanations timber may be seized as cut without authority or for dues.

**62.** Whenever any Crown Timber Agent, or other Officer or Agent of the Secretary of State is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber as to when and where the same was cut: and if no satisfactory explanation, on oath or otherwise, as he may require be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Secretary of State or of such Crown Timber Agent or Officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made, within *thirty days* after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in the *fifty-sixth* clause. 15

The burden of proof where timber was cut, or of payment of dues to lie on the owner or claimant.

**63.** And whenever any timber, is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion Lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution. 25

Protection of Officers.

**64.** No Crown Timber Agent or other Officer or Agent of the Department of the Secretary of State shall be liable to any suit or action in law for damages for any act done by him, under the authority of this Act. 35

## SLIDES, &amp;c.

Rights to slides, &c. not to be affected by sales or grants of land, unless expressly mentioned.

**65.** No sale or grant of any Dominion Lands shall give or convey, any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or sawlogs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted. 40

1. The free use of slides, dams, piers, booms, or other works on streams, to facilitate the descent of lumber and saw logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed, by, or in virtue of, any sale or grant of Dominion lands made subsequent to the construction of such works. 50