

(116)

1854.]

BILL.

[No. 116.

An Act to amend the Act regulating the Culling and Measurement of Lumber, and to extend the provisions of the same.

WHEREAS the provisions of the Act regulating the Culling and Measurement of Lumber, passed in the eighth year of Her Majesty's Reign and chaptered 49, have been found insufficient to protect the owners of sawlogs and timber against persons fraudulently obtaining possession of the same: Be it therefore enacted, &c., as follows:

From and after the passing of this Act, if any sawlog or other timber shall be found within the boom or pond, or otherwise in the possession of any person not owning the same, in any place adjoining the river or stream into which such log or timber was put by the owner for the purpose of floating it to any place for his use there; he shall, upon demand in writing of the person whose mark such sawlog or timber bears, or his authorized agent, remove the same at his own cost into the open water of such river or stream; And if within twenty-four hours after such demand made, the person in whose boom or pond, or in whose possession such sawlog or other timber shall be, shall not remove the same as hereinbefore provided, he shall be liable to pay a fine of not more than nor less than in the discretion of the Justices before whom the same shall be sued for, for such refusal or neglect; And after such refusal or neglect the owner of the sawlog or other timber, or his authorized agent and servants, shall have full authority, peaceably to enter upon the boom, pond, or other premises of the party so refusing, in order to remove all sawlogs and timber bearing his mark, and he may sue for and recover the cost of such removal, from the party in whose possession such sawlog or timber found, in any Court having jurisdiction in civil cases on simple contract to the amount sought to be recovered, or at his option, he may leave the sawlog or timber in the possession of the party refusing, and may sue for and recover the value of the same, in manner aforesaid.

Preamble.

Proceedings where timber belonging to any person, shall be found in the booms. &c. of another

Fine if not given up on demand.

Removal at cost of wrong done.

II. Every person occupying or working a saw-mill, shall place and maintain in a conspicuous situation in such mill a true representation of all the marks with which any sawlogs or timber which he has a right to saw are marked, and if he shall fail to exhibit such marks which he claims to own, he shall be liable to a fine of not more than nor less than in the discretion of the Justices before whom the same shall be sued for; And any person so exhibiting any mark to which he has no right, shall be liable to the same punishment as that to which a person counterfeiting a mark is liable by the thirtieth section of the Act first above recited.

Duty of persons working said mills.

Penalty for contravention.

III. Any servant of, or workman employed by, the owner or occupier of a saw-mill, who shall saw up any log or other timber, marked with any other mark than those claimed to be owned by his employer, and exhibited

Penalty on persons cutting of logs