

the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut on the lands aforesaid without license from other timber with which it may be mixed up, the whole of the said timber shall be held as having been cut without authority on Public Lands, and be liable to seizure and forfeiture accordingly. 5

Seizing officer may command assistance.

Violent resistance to be felony.

Carrying away timber under seizure to be deemed a stealing thereof.

Burden of proof that dues have been paid, on whom to lie.

Timber seized to be condemned if not claimed within a certain time, &c.

IX. And be it enacted, That it shall and may be lawful for any such officer in the discharge of his duty to call in such lawful aid and assistance in the name of the Queen as may be necessary for securing and protecting the timber so seized; and if any person or persons whatsoever shall under any pretence either by actual assault, force or violence, or by threat of such assault, force or violence, in any way resist, oppose, molest or obstruct any officer or person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, such person or persons being convicted thereof, shall be adjudged guilty of felony and shall be punishable accordingly. 10 15

X. And be it enacted, That if any person or persons whatsoever, whether pretending to be the owner or not, shall either secretly or openly, and whether with or without force or violence take or carry away, or caused to be taken and carried away, any timber which shall have been seized and detained as subject to forfeiture under this Act, before the same shall have been declared by competent authority to have been seized without due cause, or without permission of the officer or person having seized the same, or of some competent authority, such person or persons shall be deemed to have stolen such timber being the property of Her Majesty, and to be guilty of felony and liable to punishment accordingly; And be it further enacted, that whenever any timber shall be seized for non-payment of duties or for any other cause of forfeiture, or any prosecution shall be brought for any penalty or forfeiture under this Act, and any question shall arise whether the dues have been paid on such timber, or whether the said timber has been cut on other than any of the public lands aforesaid, the burden of proving payment, or on what land the such timber has been cut, shall lie on the owner or claimant of such timber, and not on the officer who shall seize and stop the same or the party bringing such prosecution. 20 25 30 35 40

XI. And be it enacted, That all timber seized under this Act, shall be deemed and taken to be condemned, unless the person from whom it was seized or the owner thereof shall within one calendar month of the day of the seizure, give notice to the seizing officer or nearest officer or agent of the Crown Lands Office, that they claim or intend to claim the same; failing such notice, the officer or agent seizing or causing to be seized, shall report the circumstance to the Commissioner of Crown Lands, who 45 50