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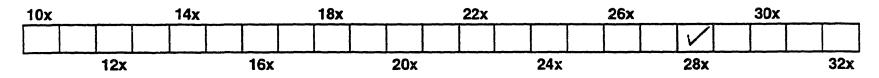
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2d Session, 5th Parliament, 19 Victoria, 1856.

## BILL.

An Act to repeal the Act 12th Victoria, chapter thirty, and for other purposes.

Received and read first time, Tuesday, Sth April, 1856.

Second reading, Friday, 11th April, 1856.

Hon. Mr. CAUCHON.

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S. Derbishire & G. Desbarats, Queen's Printer.

An Act to repeal the Act 12th Victoria, chapter thirty, and for other purposes.

HER Most Gracious Majesty the Queen, by and with the Preamble. Consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Act 12 Victoria, chapter 30, is hereby repealed. 12 V. c. 30.

5 11. No law repealed by the Act cited in the first section shall Repealed Acts revive by the repeal of the said Act.

III. Notwithstanding the repeal of the said Act, every thing Things done done or right acquired by virtue thereof shall be valid and effect to remain tual, every penalty incurred shall be recoverable, and every valid.
10 action or proceeding now commenced shall be continued, in every respect as if the said Act had not been repealed.

IV. All such parts of the Act 12 Victoria, chapter 30, and of Certain provithe orders of the Governor in Council, as shall not be incon-sionstoremain sistent with the provisions of this Act, shall continue in force, tions are made. <sup>15</sup> until replaced by regulations under section five.

V. The Governor in Council may make regulations, with respect to the granting of Licenses to cut timber on the public Power to lands, the cancelling of such Licenses, and for requiring affi- make reguladavits in cases to be mentioned in the regulations.

<sup>20</sup> VI. Licenses to cut timber shall be issued in the name of the Timber Li-Commissioner of Crown Lands, by himself or his agents. censes.

VII. Such Licenses, until their expiration, shall have the Their effect. effect, (saving however the right of the Crown mentioned in Section eight,) of giving the holders a right of property in the <sup>25</sup> trees and timber of every kind and description whatsoever, upon the lands to which such Licenses extend, and of placing them in law, precisely in the position of an ordinary proprietor.

VIII. The Commissioner of Crown Lands shall, on behalf of Crown lien the Crown, have a lien in preference to all other parties, on timber. In for dues on timber cut upon public lands under such license, which he may enforce by seizing such timber or Howenforced. causing it to be seized by his agents.

IX. In the case mentioned in Section eight, the Commis- Sale of timber sioner of Crown Lands, six months after the seizure, may after seized.

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Public Notice, cause the timber to be sold, and having first deducted the amount of dues and the costs of seizure and sale. he shall pay the balance of the proceeds to the owner.

X. Any person whose license shall have expired, or shall Cuttingtimber after license is have been cancelled, who shall cut timber upon the land 5 out. to which the license previously extended, shall be deemed a trespasser upon the property of Her Majesty, and prosecuted as such.

XI. When the Commissioner of Crown Lands or his Seizing timber agent, shall have reason to believe that any timber has been cut 10 cut without leave. without authority upon Public Lands, he may seize it.

laimed.

XII. In the case mentioned in Section eleven, if, within one If the timber month after the seizure, no person shall claim the timber so seized be not seized, or if within fifteen days after a claim shall have been put in, the claimant shall not have instituted proceedings 15 before a Court of competent jurisdiction to contest the seizure, the timber may be confiscated and sold for the benefit of the Crown, by order of the Commissioner of Crown Lands.

XIII When timber liable to seizure for any cause whatsoever Timber mixed under this Act, shall have been mixed with other timber, so as 20 with that cut elsewhere. to make it impossible or very difficult to distinguish such timber, the whole of the timber so mixed shall be considered as liable to seizure and to the consequences thereof.

XIV. When any seizure is made or action instituted under Onus of proof this Act, the proof of the payment of dues, or of the license to 25 on claimant. cut, or of the precise locality in which the timber shall have been cut, shall lie upon the claimant or defendant.

XV. The affirmation of the person making the seizure, that Proof of authohe is authorized thereto by the Commissioner of Crown Lands, rity from shall be sufficient, and the proof that he was not so authorized, <sup>30</sup> Commissioners. if a claim be made, shall lie upon with the claimant or defendant.

XVI. The Agent of the Commissioner of Crown Lands in Calling assisthe case of any seizure under this Act, may call to his assistance tance in in the Queen's name, such number of persons as he may require 3 seizing, &c. for the security and protection of the timber so seized.

XVII. Any person refusing to assist the Agent of the Com-Penalty for missioner of Crown Lands when so called upon, shall be liable refusing. to a fine of ten pounds currency, recoverable on complaint by the Commissioner of Crown Lands before any competent 4 Court.

Commissioner of the Crown Lands, or the persons acting with him, in the performance of their duty, shall be guilty of felony and punishable accordingly.

XIX. Any person who shall either secretly or openly or with Or for remov-5 or without force or violence, carry away or cause to be carried ing timber away any timber under seizure by the Commissioner of Crown seized. Lands or his Agent, before the said seizure shall have been taken off or declared void by a competent Court, shall be deemed a trespasser upon the property of Her Majesty and guilty of 10 felony, and shall be punishable accordingly.

XX. Any person who shall wilfully swear falsely in any case False swearin which this Act or the regulations under it shall require or ing, perjury. authorize an oath, shall be guilty of perjury and punishable accordingly.

XXI. Any person who shall take advantage of any false Taking advan-15 statement or false oath of another person, in order to avoid tage of false payment of dues on any timber, shall forfeit such timber to the statements, Crown.

XXII. Any person maliciously cutting or opening booms, or Cutting or 20 breaking or loosing any crib of timber, shall be guilty of mis- opening demeanor, and punishable by imprisonment for not exceeding booms, &c. six months, or by a fine, the amount of which shall be fixed by the Regulations to be made under this Act.

Commis-

XXIII. Prosecutions under this Act shall be brought in the sioner to sue. 25 name of the Commissioner of Crown Lands.

XXIV. Any copy of Regulations made under this Act, certi- Copies of fied by the Clerk of the Executive Council, shall be deemed regulations, equivalent to the original in any Court of Justice.

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