



No. 171.

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

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

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Received and read first time, Tuesday, 8th  
April, 1856.

Second reading, Friday, 11th April, 1856.

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Hon. Mr. CAUCHON.

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S. Derbshire & 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 consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The Act 12 Victoria, chapter 30, is hereby repealed. 12 V. c. 30.

5 II. No law repealed by the Act cited in the first section shall revive by the repeal of the said Act. Repealed Acts not to revive.

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and every action or proceeding now commenced shall be continued, in every respect as if the said Act had not been repealed.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

15 IV. All such parts of the Act 12 Victoria, chapter 30, and of the orders of the Governor in Council, as shall not be inconsistent with the provisions of this Act, shall continue in force, until replaced by regulations under section five. Certain provisions to remain until regulations are made.

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

20 VI. Licenses to cut timber shall be issued in the name of the Commissioner of Crown Lands, by himself or his agents. Timber Licenses.

25 VII. Such Licenses, until their expiration, shall have the effect, (saving however the right of the Crown mentioned in Section eight,) of giving the holders a right of property in the 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. Their effect.

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

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

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.

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

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

If the timber seized be not lained. XII. In the case mentioned in Section eleven, if, within one month after the seizure, no person shall claim the timber so seized, or if within fifteen days after a claim shall have been put in, the claimant shall not have instituted proceedings 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. 15

Timber mixed with that cut elsewhere. XIII. When timber liable to seizure for any cause whatsoever under this Act, shall have been mixed with other timber, so as 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. 20

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

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

Calling assistance in seizing, &c. XVI. The Agent of the Commissioner of Crown Lands in the case of any seizure under this Act, may call to his assistance in the Queen's name, such number of persons as he may require for the security and protection of the timber so seized. 35

Penalty for refusing. XVII. Any person refusing to assist the Agent of the Commissioner of Crown Lands when so called upon, shall be liable to a fine of *ten pounds* currency, recoverable on complaint by the Commissioner of Crown Lands before any competent Court. 40

Impeding agent—punishment. XVIII. Any person who shall by assault, force or violence, or by threats of assault, force or violence, impede the Agent of the

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.

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

Or for removing timber seized.

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

False swearing, perjury.

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

Taking advantage of false statements, &c.

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

Cutting or opening booms, &c.

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

Commis- sioner to sue.

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

Copies of regulations, valid.