



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXXIV.

An Act for the punishment of persons guilty of injuring Electric Telegraphs.

Passed 26th April 1850.

Wilfully damaging
the works of any
Electric Telegraph
made felony.

Punishment.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whosoever shall wilfully break, throw down, cut, sever, injure, damage, or destroy any of the works or property of any Electric Telegraph Company in this Province, or do any other act whereby the communication by any Telegraph may be interrupted, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

CAP. XXXV.

An Act to amend an Act, intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber.*

Passed 26th April 1850.

2 V, c. 48.

Preamble.

2 V, c. 48.

WHEREAS the Act intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber*, and the several Acts of Assembly in continuation thereof, are about to expire, and it is deemed advisable and necessary to continue and amend the provisions of the said Act, and provide more effectual protection to the honest dealer in the staple of the Province;

Fraudulently
taking possession of
Timber, &c., near
any River, &c., or
destroying the same
or casting adrift
Booms or Rafts, or
obliterating marks,
deemed larceny.

Punishment.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act if any person or persons shall by himself or another by his direction, fraudulently and wilfully take, carry away, convert to his own or their own use, or possess himself or themselves without the consent of the owner or person in lawful charge thereof, any Timber squared or unsquared, Saw Log, Mast, Spar, or other Lumber sawed or unsawed, the property of another, whether the owner be known or unknown, lying or being in on or near any River, Pond, Bay, Stream or Inlet, or the bank or shore thereof, within this Province, or shall injure, cut up or destroy any such Timber, Logs or Lumber, or shall wantonly or maliciously cut away or cast adrift any Boom for preserving the same, or any raft of Timber, Logs or Lumber as aforesaid, or shall hew out or otherwise obliterate or deface the mark or marks by which the same shall have been distinguished, such person or person shall for every such offence be deemed and taken to be guilty of larceny, and be liable to be imprisoned therefor for any term not exceeding two years, on conviction before any Court of competent jurisdiction.

Possession with
marks defaced, &c.,
to be prima facie
evidence of guilt.

Proviso as to
Timber, &c., car-
ried on land by force
of water.

II. And be it enacted, That in every case of prosecution under the preceding section of this Act, whenever it shall be proved that any such Timber, Log, Mast, Spar, or other Lumber was found in the possession of the defendant without the consent of the owner, with the marks thereof or any of them cut out, altered, obliterated or defaced, or said Timber, Log, Mast, Spar, or other Lumber shall be found partly sawed or manufactured, or partly destroyed, it shall be deemed and taken as prima facie evidence of the guilt of the said defendant, and the burden of proof shall be upon him to discharge himself; provided always, that no person shall be deemed or taken to be in possession of any Timber, Logs or other Lumber, only from the fact of such Timber, Logs and other Lumber being found upon lands in his possession and carried upon such land by force or action of the water.

Owner or agent of
Timber to be liable
for damages in re-
moving it when
floated on intervale
lands adjoining the
River Saint John.

III. And whereas it frequently happens that on the removal of Timber, Logs, Spars or other Lumber carried by the water upon the intervale lands adjoining the River Saint John, considerable damage is done to the said lands by the persons managing the same, who are either unknown or unable to pay such damage; Be it enacted, That whenever such damage shall be sustained, the owner or agent of such Timber, Logs, Spars and other Lumber shall be liable for all such damage to the owner or occupier of such intervale lands, and may be