

prosecuted for the same in the form of an action of trespass, or on the case, at the election of the party grieved, in any Court of Law in this Province, and where the damage claimed may not exceed the sum of five pounds, before any two Justices of the Peace in any County in this Province.

IV. And be it enacted, That in any and every case of prosecution under the first section of this Act, the Justice or Justices before whom the complaint shall be preferred shall and may when the same may to him or them seem proper, by warrant direct any Constable of the Parish where the property may be, to take the same into his possession and keep the same for the benefit of the owner thereof, and upon conviction of such offender, or upon his absconding or concealing himself to avoid being brought to justice, or after trial of the offender, without conviction, when the Justice or Justices shall be satisfied upon sufficient evidence that the ownership of such Timber, Log, Mast, Spar or other Lumber, is in the party claiming the same, or any other person, not being the defendant, shall order the same to be delivered up to the owner thereof or his lawful agent, on payment of the reasonable charges for keeping the same, and on failure of satisfactory evidence of ownership in any other person, the said Justice or Justices shall direct the redelivery of the said property to the person from whom the same may have been taken, on payment by him of the like reasonable charges; provided always, that no adjudication under this section shall be evidence in any Court of Law or Equity of the right of property in any such Timber, Logs, Masts, Spars or other Lumber.

Justice may order Constable to take possession of Timber, &c., in cases of prosecution under first section.

On proof of ownership to be delivered up on payment of charges.

On failure of proof to be redelivered on like payment.

No such adjudication to be evidence of right of property in any other Court.

IV. And be it enacted, That notwithstanding any conviction had under the first section of this Act, every person or persons guilty of either of the offences therein described, shall be liable to answer to the owner of any such Timber, Log, Mast, Spar or other Lumber, or raft or boom respecting which the offence shall have been committed, in an action or actions of trespass on the case, wherein the owner shall be entitled to receive double the value of the article taken or injured.

Notwithstanding conviction, party to be liable to an action of trespass.

V. And be it enacted, That the owner of any such Timber, Logs, Masts or Spars may at any reasonable time by himself or his agent, enter in a peaceable manner upon any Mill, Mill Pond, Brow, Boom or Raft of Timber, Logs or other Lumber, in search of any such property which he may have lost, and any person who shall wilfully prevent or obstruct such search, shall forfeit for each offence not less than five pounds nor more than ten pounds, to be recovered in an action on the case to the use of the person by whom or on whose account such entry may have been claimed.

Owners of Timber may enter any Mill Pond, &c., in search of lost property. Penalty for obstructing.

VI. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.

Limitation.

CAP. XXXVI.

An Act to provide for the holding a Circuit Court in the County of Victoria.

Passed 26th April 1850.

WHEREAS in consequence of the passing of an Act to erect a part of the County of Carleton into a new County, by the name of Victoria, it is necessary to provide for the due administration of justice in the said County;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts*, be and the same are hereby extended to the County of Victoria, in as full and ample a manner as if the several sections of the said Act respectively were set forth in this Act.

Provisions of Act 9 V. c. 57, extended to the County of Victoria.

II. And be it enacted, That from and after the passing of this Act a Circuit Court shall be holden in each and every year during the continuation of this Act, in the County of Victoria, and shall commence and be opened on the Wednesday before the last Tuesday in September in each and every year.

A Circuit Court to be held annually, and commence on Wednesday before the last Tuesday in September.

III. And be it enacted, That this Act shall continue and be in force during the continuation of the said recited Act for the period the said recited Act is continued by an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to continue an Act relating to Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts*.

Limitation.

9 V. c. 57.

11 V. c. 18.