

## C A P. III.

An Act to prevent Waste and Destruction of Pine or other Timber Trees, on certain reserved and ungranted Lands in this Province.

*HEREAS His Majesty has been pleased to reserve, and set apart several Tracts of Land within this Province, for the special Purpose of securing to the Crown, a Perpetual Fund for the Supply of Masts and Ship Timber for the Royal Navy, particularly all those Lands on St. John's River above the present Settlements, and the Island of Cape Breton.*

Preamble.

*In Order therefore, that the same be effectually secured against any Waste or Trespafs.*

I. *Be it Enacted, by the Governor, Council and Assembly, That if any Person shall spoil, cut down, or any otherwise injure, or destroy any Pines of any Dimensions whatever, or any other Timber Trees, growing on the afore-recited reserved and ungranted Lands, or shall cause the same to be done, or shall cut down, or carry off any Tree fit for a Mast, from the said Premises for every Tree so cut or carried off, and for each and every Offence, or without having first obtained a License therefor, from the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, certifying that the said Pine Trees, and Timber so to be cut, are for the sole Use of His Majesty and for no other Purpose. All such Persons being duly convicted of the Waste and Trespafs aforesaid, he or they shall forfeit and pay to His Majesty a Fine not exceeding One Hundred Pounds on due Conviction thereof, before any of His Majesty's Courts of Record, in any County within this Province, by Action of Debt, Bill, Plaint, or Information, one Half of the said Fine to be paid to the Informer, the other Half to His Majesty for the Use of the Province.*

If any Person spoil, cut down or destroy &c. any Pines or other Timber growing on reserv'd and ungranted Lands, or carry off any Timber.

unless by License from the Governor certifying that the same is for his Majesty's use.

Such Person being convicted thereof.

shall pay a Fine not exceeding £100. to be recover'd in any Court of Record.

II. *And be it further Enacted, That if such Offender on due Conviction, shall be unable to pay such Fine, that it shall and may be lawful for such Court, before which the Conviction shall be made to imprison such Offender, for the Space of Six Months without Bail or Mainprize.*

Offender unable to pay Fine shall be imprisoned Six Months.

without Bail.

III. *And Whereas the setting fire to any Wood Lands, is often attended with great Destruction of Timber Trees and otherwise destroys and prevents their Growth; Be it Enacted, by the Authority aforesaid. That if any Person shall purposely & maliciously set fire to any Places within the Limits of the aforesaid reserved & ungranted Territories, and thereby destroy any of the young Growth, or Timber Trees thereon, upon due Conviction before his Majesty's Supreme Court, Court of Assize and General Goal Delivery, such*

If any Person shall purposely and maliciously set fire to any place within the limits of reserved and ungranted Territories, and thereby destroy Timber, &c.

on Conviction shall suffer as a Felon.

Crime shall be adjudged Felony, and such Person so convicted shall suffer as a Felon.

This Act not to extend to Firewood & underwood used in the Fishery and within half Mile of Sea Shore.

IV. *Provided*, That nothing in this Act shall be construed to extend to such Fire Wood and underwood as is commonly used in the Fishery, and shall be within Half a Mile of the Sea Shore.

### C. A. P. IV.

An Act for admitting Depositions *de bene esse*, of Witnesses aged, Infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

When it shall happen that Witnesses in a Cause are infirm, aged or unable to travel, or obliged to leave the Province.

One of the Judges on due Notice given to adverse Party may take the Deposition of such Witnesses, which shall be Sealed up and directed to the Court where Cause is to be tried.

\*\*\* *Et ita Enacted, by the Governor, Council and Assembly,*  
 \* B \* That when it shall so happen that any of the Witnesses  
 \* \* \* which shall be judged necessary to be produced on the  
 \*\*\* Trial of any Cause between Party and Party, shall be infirm, aged, or otherwise unable to travel, or when any such Witness or Evidence is obliged to leave the Province, it shall and may be lawful for any One of the Judges of the Court where the Cause is to be tried, on due Notice given to the adverse Party to be present (if he sees fit) to take the Deposition of such Infirm or aged Person, or Persons unable to travel, or who is obliged to leave the Province, and such Depositions so taken and certified under the Hand and Seal of the said Judge and sealed up, and directed to such Court, shall be received as legal Evidence in such Cause.

Oath to be made of Notice given to adverse Party.

II. *Provided*, That Proof be made on Oath, that due Notice was given to the adverse Party of the Time and Place of taking such Depositions.

If such Witness is in the Province or able to travel testimony *viva voce* required.

III. *And provided nevertheless*, That if such Witnesses shall at the Time of the Trial of the Cause, be in the Province, or able to travel, they shall be required to give their Testimony *viva voce*, at such Trial, in the same Manner, as if such Depositions had not been taken.

Saving benefit of exceptions to the Credit of such Witnesses.

IV. *Provided also*, That all Benefit of Exceptions to the Credit of such Deponents shall be reserved in the same Manner as on producing Witnesses for Examination, *viva voce*, at the Trial.

Quakers allowed to make Affirmation.

V. *And be it Enacted*, That every Person of the Profession of the People called Quakers, who shall be required to take an Oath as aforesaid, shall instead of an Oath be permitted to make his or her Solemn Affirmation.