

of any Timber, &c. with intent to defraud the owner, Justices to issue a Warrant. To seize and keep the property for the benefit of the owner. Proceedings in relation to the delivery of the Timber, &c. upon conviction or after trial without conviction.

of any square timber, logs or sawed lumber, or by his lawful agent, that any person hath possessed himself of any such timber, logs or lumber, with the intent and design aforesaid, it shall be lawful for the said Justices, or either of them, to issue a warrant directed to any Constable of the Parish where the said property may be, requiring him to seize and take into his possession the said property and the same safely to keep for the benefit of the owner thereof; and upon conviction of the said person so offending, or upon his absconding or keeping out of the way so as to avoid being brought to justice, or after trial of the said offender without a conviction, if in any such case the said Justices shall be satisfied the said property shall belong to the said person so claiming as aforesaid, such Justices shall forthwith order the same to be delivered to the said person so claiming to be the owner thereof, or his lawful agent as aforesaid, upon payment of such reasonable charge for keeping the same as the said Justices shall in the said order direct, not exceeding the sum of twenty shillings; and if the said Justices shall not be satisfied that the said property belongs to the said person so claiming to be the owner thereof, they shall order the same to be delivered to any person who may appear to them to be the owner thereof, or his lawful agent, or on refusal of such last mentioned person to take the same, or on failure of satisfactory proof of ownership in any other person, then the said Justices shall order the delivery of the said property to the person from whose possession the same may have been taken by the said Constable by virtue of the said warrant, upon payment of the like charge as in the case of delivery to the person claiming to be the owner thereof and prosecuting as aforesaid: Provided always, that no adjudication or proceeding under this Act shall be evidence in any Court of law or equity of the right of property in any such timber, logs or lumber.

Proof of cutting out marks to be deemed prima facie evidence of fraud.

III. And be it further enacted, That proof of the fact of cutting out, defacing, or otherwise obliterating the mark or marks of the owner or owners of any squared timber, logs or sawed lumber, shall be deemed and taken to be *prima facie* evidence of fraud in all prosecutions to be had under the provisions of this Act.

Limitation.

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4th c. 8

IV. And be it further enacted, That this Act shall be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty one, and no longer.

CAP. XLIX.

W. 4, c. 7.

An Act to alter and amend an Act, intituled "An Act to provide for the greater safety of Passengers on board Steamboats."

Passed 23d March 1839.

W. 4, c. 7, sec. 1 and 2, repealed.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second Sections of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the greater safety of Passengers on board Steamboats," be and the same are hereby repealed; and in lieu thereof,

No British Steam Vessel to leave any Port in this Province without three Boats (and Tackle) sufficient to carry 50 passengers exclusive of the crew.

II. Be it enacted, That no British Boat or Vessel, propelled by Steam, shall be permitted by the Captain or Owner to depart from any Port or place within this Province to any other Port or place either within or without the Province, by sea, with passengers on board, without having on board or attached in a convenient manner at least three good and efficient Boats, with a sufficient quantity of good Oars and other tackle necessary therefor, of sufficient capacity in all to carry

carry sixty adult passengers exclusively of the crew ; and no such vessel shall be permitted by the Captain or Owner to navigate in any of the Rivers or inland waters of this Province with passengers on board, without having on board or attached in a convenient manner as aforesaid, at least two good and efficient Boats, properly equipped with oars and other tackle as aforesaid, of sufficient capacity to convey in the whole at least thirty adult passengers, exclusive of the crew.

Steam Vessels navigating Rivers to have two Boats (and Tackle) sufficient to carry 30 Passengers.

III. And be it further enacted, That if any Master or Owner shall permit any such Vessel to depart from any Port or place within this Province, or to navigate in any of the Rivers or inland waters of this Province as aforesaid, without having on board or attached such good and efficient boats, properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart or navigate without being so provided, to be recovered, levied and applied as is directed in and by the third Section of the Act to which this is an amendment.

Leaving Port or navigating the Rivers without Boats.

Penalty.

IV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint one Commissioner, residing at each of the following places, that is to say, in the City of Saint John and Towns of Saint Andrews and Newcastle, Miramichi ; which Commissioners so to be appointed shall be empowered, and they are hereby required and directed respectively to go on board, so often as need be, any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the second Section of this Act, it shall be the duty of such Commissioners respectively to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed by the said third Section of the Act to which this is an amendment.

Governor to appoint Commissioners with power to board Steam Vessels and report deficiencies in respect of Boats and Tackle.

V. And be it further enacted, That in all cases when any damage or injury shall be sustained by any person being a passenger on board any Vessel propelled by steam, by the exploding, collapsing, blowing up, or giving way of any part of the machinery of such vessel, the fact of such exploding, collapsing, blowing up or giving way shall in all actions to be prosecuted against the master or owner of such vessel, by the person so sustaining injury, be taken to be, and be *prima facie* evidence of carelessness and negligence in such master or owner.

Fact of exploding, collapsing, &c. of any Steam Vessel to be *prima facie* evidence of carelessness.

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

Limitation.

CAP. L.

An Act in further amendment of the Law relating to Tavernkeepers and Retailers.

Passed 23d March 1839.

‘ WHEREAS in and by an Act made and passed in the first year of the ‘ Reign of Her present Majesty Queen Victoria, intituled “ An Act in ‘ addition to and in amendment of an Act, intituled ‘ An Act to regulate Tavern- ‘ keepers and Retailers,’ ” power and authority is given to Her Majesty’s Jus- ‘ tices of the Peace of this Province in their respective Courts of General Sessions, ‘ to enforce the observance of such rules and regulations as they had made or ‘ should thereafter make in and for their respective Counties, under such penalty ‘ or

Preamble. 1 Vict. c. 33.

Repealed by
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C. 47