

CAP. LXXV.

An Act to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John." 3 Victoria, c. 1.

Passed 31st March 1840.

WHEREAS the sixth and seventh Sections of an Act made and passed in the present year of Her Majesty's Reign, intituled "An Act for the more effectual prevention of Fires in the City of Saint John," from their retrospective nature are considered in their operation to be greatly injurious to many of Her Majesty's liege subjects, who have erected buildings prior to the passing of the said Act, and the necessity for reducing those buildings is not deemed to be of that importance to prevent the spreading of the ravages by Fire which at the time of passing the said Act may have been supposed;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth and seventh Sections of the said recited Act, be and the same are hereby repealed. 3 Victoria, c. 1, s. 6 & 7, repealed.

CAP. LXXVI.

An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province.

Passed 31st March 1840.

WHEREAS the great scarcity of Seamen in this Province, and the number of new Ships built, fitted out and loaded therein, renders it expedient that provision should be made to compel a portion of the Crews of such Vessels to be brought from the United Kingdom;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of September next, it shall be the duty of every owner resident in this Province, or the agent of any owner not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built without but brought into this Province for the purpose of loading or fitting for sea, to provide a certain number of the Crew necessary for such Ship or Vessel by procuring them from the United Kingdom of Great Britain and Ireland in the following proportions, that is to say: For every Vessel of the burthen of three hundred tons register, four men; and for every one hundred tons more the said Vessel may register, one man; said men to be able bodied Seamen, and shall be in addition to and over and above the Crew of such Vessel or Vessels in which the said Seamen shall be brought: Provided always, That if such owner or agent shall deem it expedient to procure as aforesaid a Master, Mate, second Mate or Carpenter for any such Ship or Vessel, such Master, Mate, second Mate and Carpenter, or either of them, shall be deemed and taken as an addition to the number of men required to be procured by the preceding part of this Section.

II. And be it further enacted, That the owner or owners resident in this Province, or the agent of the owner or owners not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built in any of the Sister Provinces, but brought into this Province for the purpose of loading or fitting for sea, or some or one of them, shall make a report in writing, previous to the clearing at the Custom House of such Vessel for sea, upon oath before the Treasurer of the Province or the Deputy Treasurer of the District where such Vessel shall be fitted up, loaded or cleared out for sea, specifying the name of such new Vessel, the place where such new Vessel was built and the tonnage thereof, and the

*Disallowed by Her Majesty in Council*

Owners or Agent of new Vessels built or brought into this Province to be fitted for sea to provide a portion of the crew by procuring them from the United Kingdom.

Rate.

Report to be made to the Treasurer or Deputy of the District before clearing at the Custom House.

Contents of Reports.

Treasurer to grant a certificate of the Report being made to be filed at the Custom House previous to clearing.

the number and names of the Seamen brought into the Province for the purpose of forming the Crew or a part of the Crew of the said Vessel, and that they were actually procured as aforesaid for such Vessel over and above the customary Crew of the Vessel in which such additional Seamen have been brought; and upon making such report the said Treasurer or Deputy Treasurer shall grant to the party or parties making such report a certificate of such report having been made, which certificate when so granted shall be filed by the party or parties, or by his or their agent, to whom the same shall be so granted at the Custom House from which such Vessel shall be cleared for sea, prior to the said Ship being cleared, and the Collector or Sub-Collector or Officer of the Customs of the Port or place at which such certificate shall be filed or ordered to be filed, is hereby required to receive and file the same under the penalty of one hundred pounds for each and every refusal to file such certificate.

Penalty for not procuring the Seamen or making the Report as required by this Act.

III. And be it further enacted, That if any owner resident within this Province, or the agent of any owner not resident therein, of any new Ship or Vessel built within the Province, or of any Ship or Vessel built in any of the Sister Provinces but brought into this Province for the purpose of fitting the said Vessel for sea or loading, shall neglect to comply with the provisions of this Act by not procuring the number of Seamen, or not making or causing to be made the necessary report as aforesaid, and by the provisions of this Act required, the said owner or owners, or the agent of such owner or owners as aforesaid, shall forfeit and pay the sum of ten pounds for each and every Seaman he shall fail in bringing from the United Kingdom for the purpose of forming any part of the Crew of such Vessel, and the like penalty for each and every neglect or failure to file the certificates.

Recovery and application of penalties.

IV. And be it enacted, That the several penalties and forfeitures hereinbefore mentioned, may be prosecuted, sued for and recovered in the Supreme Court or in any of the Inferior Courts of Common Pleas in this Province by action of debt, bill, plaint or information by any one who shall prosecute for the same, and when recovered shall be paid one moiety to the person so suing and prosecuting, and the other moiety into the Treasury of the Province for the use and support of sick and disabled Seamen within the Province: Provided always, That in case any owner or agent as aforesaid shall make it appear at the trial of any action for any such penalty that the number of Seamen required under the provisions of this Act have been actually engaged and shipped on board of some one or more Vessel or Vessels from the United Kingdom, but who, by reason of death, capture, shipwreck or other unavoidable casualties shall not have arrived within this Province, then and in such case the said owner or agent shall not be liable to such penalty.

Proviso for casualties.

No head money to be demanded for Seamen under this Act.

V. And be it further enacted, That no head money on any Seamen shall be required by the Treasurer of the Province, or any Deputy Treasurer from the Master or Commander of any Vessel in which Seamen may be brought into this Province, agreeably to the provisions of this Act, any Act to the contrary thereof notwithstanding.

Making a false report or oath deemed perjury.

VI. And be it further enacted, That every person who shall be convicted of making a false report, and taking a false oath to any of the matters hereinbefore required, shall be deemed guilty of perjury and subject to all the pains and penalties inflicted upon persons guilty of the same.

Seamen procured under this Act and persons harbouring them to be subject to all the laws for the regulation of Seamen.

VII. And be it further enacted, That the several Seamen so procured under the provisions of this Act, and also any person or persons harbouring or concealing any such Seamen without a certificate of discharge from the person so bringing him or them into this Province as well as the Owner or Agent as aforesaid, shall be

be

497

be subject to all the provisions, forfeitures and penalties of all the laws which may be in force for the regulation of Seamen in this Province, notwithstanding the said Ship or Vessel for which such Seaman or Seamen may be imported, shall not be actually ready to proceed upon any voyage.

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

CAP. LXXVII.

An Act to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province.

Passed 31st March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall cut, fell, haul, remove or destroy any white, yellow or red Pine, Spruce, Hemlock, Hacmatack, Beech, Birch Trees, Timber or Wood of any other description, standing or being on any part of the ungranted Crown Lands within this Province, without Licence first had and obtained from His Excellency the Lieutenant Governor or Commander in Chief of the Province for the time being or without right derived from the Crown so to do, under the penalty of not less than two pounds nor more than twenty pounds for each and every offence.

*Renew  
Court by Justice  
1860 by 14 via  
Cap 29*

No Timber of any description to be cut or hauled from ungranted Crown Lands without Licence.

Penalty.

II. And be it further enacted, That all Timber, Logs, Trees or any description of Wood which shall or may be cut on or hauled from any part of the ungranted Crown Lands within this Province, without such Licence or right as aforesaid, and also all Deals, Plank, Boards or Scantling, Shingles, Clapboards, Staves or Lathwood which shall or may be made therefrom, or from Timber, Logs, Trees or any description of Wood on or hauled from any part of such Crown Lands, without such Licence or right as aforesaid, shall be and the same are hereby declared to be forfeited to the use of Her Majesty, Her Heirs and Successors, and shall be subject to seizure, prosecution and condemnation in manner hereinafter mentioned.

All descriptions of wood cut or hauled without licence, and all deals, &c. made therefrom to be forfeited.

III. And be it further enacted, That all such Timber, Logs or any other description of Wood which shall be cut on or hauled from any part of the ungranted Crown Lands within this Province, contrary to the provisions of this Act, and all Deals, Plank, Boards, Scantling, Clapboards, Staves or Lathwood which shall or may be made therefrom, or from any Timber or Logs found on any of such ungranted Crown Lands as aforesaid, contrary to the provisions of this Act, shall and may be seized, arrested and prosecuted by such person or persons as shall or may, from time to time, by warrant under the hand and seal of His Excellency the Lieutenant Governor or Commander in Chief of the Province for the time being, be appointed to seize the same.

All such Timber, &c. may be seized and prosecuted by persons appointed by Warrant of the Lieutenant Governor.

IV. And be it further enacted, That in all cases when any Timber or Logs, or Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves, Lathwood or any other description of Wood, shall be arrested, seized or taken, as liable to such seizure, forfeiture and condemnation under the provisions of this Act, the same shall in all cases be deemed and taken by the Court in which the same shall be prosecuted, to be forfeited as hereinbefore mentioned, unless it shall be made to appear to the satisfaction of such Court by some person owning or claiming the same, either that the same, if Timber, Logs or Wood of any other description was

In all cases of seizure the Timber, &c. to be deemed forfeited unless it be made to appear that it was cut from granted lands or under Licence.