

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 53

**An Act to authorize the granting of Mill Reserves in certain cases. Passed 14th April 1846.**

Whereas in and by the fifth section of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the support of the Civil Government in this Province*, it is enacted, that all disposals of any of His Majesty's Lands, Woods, Mines and Royalties within this Province made during the continuance of the said Act, shall be utterly null and void and of none effect, unless made at Public Auction to the highest bidder: And whereas it is deemed advisable to restrain the operation of the said fifth section in certain cases: And whereas Capital to a considerable extent has been invested in the erection of Saw Mills on many of the small Streams, being tributaries of the Main Rivers in this Province, which are wholly dependent for a supply of Logs from such Streams: And whereas it is deemed expedient to authorize the setting apart, by the Government, of Reserves of limited extent for the use of such Saw Mills;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing in an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the support of the Civil Government in this Province*, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, upon written application made therefor, according to the form hereinafter prescribed, and duly attested to, to the satisfaction of the Governor and Council, without Sale by Public Auction, to set apart Crown Lands as Mill Reserves, for a period not exceeding four years,—and at a reserved annual rent, not less than ten shillings for every square mile, during the term of the Reserve, which rent is hereby required to be annually paid in advance,—for the use of Saw Mills situate on small tributary streams, from the banks of which, above the Mills, such Mills shall depend solely for a supply of Saw Logs in the following proportions, videlicet: For a Mill having one gate, not exceeding five thousand acres; for a Mill having two or more gates, driving separate saws, not exceeding nine thousand acres: provided always, that no Reserve shall be made for any Mills, other than the Mills situate on the stream on which such Reserve is sought, and which may have been erected and in operation before the passing of this Act, and in no case below the Mill for which the Reserve shall be made, and in no case for any Mill situate in such a position as to be enabled to obtain a supply of Saw Logs from any other source than from the banks of the stream or tributary above the Mill on which such Mill shall be situate: provided always nevertheless, that nothing in this Act contained shall extend or be construed to extend to prevent the Government from selling or disposing of any part or portions of such Reserves for actual settlement, in like manner as if such Reserve had not been made, any thing in this Act contained to the contrary notwithstanding.

II. And be it enacted, That if the annual rent hereinbefore required to be paid upon the Reserves to be granted under the provisions of this Act, shall be behind or unpaid for a period of thirty days

after the same shall become due and payable, such Reserve shall become null and void, and of none effect, in like manner as if such Reserve had not been made.

III. And be it enacted, That all Logs, Timber or other Lumber which may be cut and carried away from such Reserve, except for the purpose of being manufactured in the Mill or Mills for which such Reserve shall have been made, shall be liable to be seized by the Crown, and upon lawful conviction shall be forfeited and sold to Her Majesty's use, and the proceeds of such sale paid over to the Receiver General of the Casual Revenue: provided always, that if the said Mill or Mills should at any time cease to operate for the term of one year, such Reserve shall be determined and put an end to, and the ground therein included shall be open to general application for lumbering purposes, unless cause to the contrary be shewn to the satisfaction of the Executive Government of the Province.

IV. And be it enacted, That this Act shall not come into operation until the first day of September next, and shall continue in operation for four years from the said first day of September.

FORM OF APPLICATION REFERRED TO IN THE FIRST SECTION.

To His Excellency, &c. &c. &c.

The Petition of A. B.

Humbly sheweth,

That your Petitioner is the owner (or lessor) of a Saw Mill, situate on (describe the Stream by its name) being a tributary running into the River \_\_\_\_\_, in the Parish of \_\_\_\_\_, in the County of \_\_\_\_\_, and having \_\_\_\_\_ gates, driving separate Saws; that your Petitioner is entirely dependent upon the Lands on the said Stream, above the said Mill, for a supply of Logs for said Mill, and cannot obtain a supply from any other source; that the tract of Land which your Petitioner is desirous of obtaining as a Reserve for said Mill is situate as follows: (here describe.)

For the truth of the foregoing statement, your Petitioner respectfully refers to the affidavit hereto annexed. Which affidavit must be made by disinterested parties, and must state the size of the Mill, number of gates, and the quantity each gate is capable of cutting.

And your Petitioner as in duty bound will ever pray.