

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 66

An Act to prevent injuries on Lands in the vicinity of the River Saint John, by persons conveying Timber, Logs or Lumber down the same. Passed 4th April 1847.

Whereas the managers or conductors of Rafts of Timber, Logs and Lumber down the River Saint John, do, by securing the said Rafts of Timber, Logs and lumber by anchors, warps, or otherwise, to the banks or low lands on the sides of the said River, either by anchors, warps, or otherwise, said Rafts cause much damage to improved lands: And whereas it is considered just that the owners, managers or conductors of such Timber, Logs or Lumber, or some or one of them, should be held liable for such damage;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever such damage shall be sustained by anchoring on the low lands or meadows, the owner or owners, managers or conductors of the Rafts of Timber, Logs or Lumber, or some or either of them, shall be liable for all such damage so wantonly or wilfully done or committed.

II. And be it enacted, That proof of the damage sustained, and of ownership in the Timber, Logs or Lumber, or of the identity of the managers or conductors thereof, shall be sufficient *prima facie* evidence in any action for such damage, to enable any person or persons sustaining the said damage, to recover the same; and such action may be prosecuted in the form of an action of Trespass, or on the case, at the ejection of the party aggrieved, in any Court of Law in this Province, and where the damage claimed may not exceed the sum of five pounds, before any one Justice of the Peace in any County in this Province, under the provisions of the Acts of Assembly relating to Civil Suits before Justices of the Peace .; and in case the damages and costs so recovered be not forthwith paid, when the cause is tried before one Justice of the Peace as aforesaid, then, that the offender or offenders shall be liable to be imprisoned under execution, for one day for every two shillings of the said damages and costs; provided always, that no person shall be liable to a longer period of imprisonment under this Act than fifty days.

III. 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.