



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVII.

*AN ACT for preventing damage by unseasonable Burning or Firing of the Woods in the Clearing of Land, and Burning the Woods and Forests of this Island.*

[Passed 14th June, 1852.]

**W**HEREAS the Setting Fire to the Woods and Under-brush, or Burning Land which has been grubbed up, ploughed or pared for the purpose of clearing the same, in the dry season of the Year, has, by the spreading of such Fire, done much damage in the Burning of Houses, Fences, Woods and Forests; and whereas, in the present state of this Country it is necessary that such Regulations should be made as will be most convenient and useful for clearing Lands with the least risk of damage to Public or Private Property :

*Be it therefore enacted*, by the Governor, Council and Assembly, in Legislative Session convened, That the Courts of Quarter Sessions in the several Districts of this Island, shall, as soon as may be after the passing of this Act, make such Rules and Regulations as they may deem most proper to be observed by the inhabitants of the said Districts respectively for preventing damage by the Setting Fire to or Burning the Woods or Under-brush which may have been cut down, standing or otherwise, on Lands which may have been grubbed, pared, or ploughed, for the purpose of clearing as aforesaid, and also for preventing the wilful or careless Burning of any of the Standing Woods and Forests in any of the said Districts; and such Rules and Regulations so to be made as aforesaid, shall continue in force until the said Courts of Quarter Sessions shall be convened in the Month of January following, in which Sessions, and in those to be held at the same time in each succeeding Year during the continuance of this Act, the said Courts shall, for the Year ensuing, make additional Rules and Regulations, or adopt, alter or amend any before made, as they shall deem best calculated for promoting the object of this

Preamble.

In several Districts Courts of Quarter Sessions to make Rules for preventing damage by burning woods, &c., in clearing land.

Act; and all such Rules and Regulations shall be as binding upon all Persons within the said respective Districts as if herein enacted: *Provided*, that the Courts of Sessions at the following places shall make Rules and Regulations for the Districts in which they are comprised; that is to say, at Harbour Grace, for the District of Conception Bay; at Placentia, for the District of Placentia and St. Mary's; at Bonavista, for the District of Bonavista; and at Harbour Britain, for the District of Fortune Bay: *Provided further*, that no higher Penalty than Two Pounds shall be imposed for the violation of any Rule or Regulation, and which Penalty shall be sued for within Six Months after the offence committed: *And provided further*, that such Rules and Regulations shall have no force or effect until approved of by the Governor and Council, and published in manner hereinafter stated.

Proviso as to certain Districts.

Penalty to be sued within six months.

Rules to be approved of by the Governor and Council.

Mode of recovery of Penalties.

II.—*And be it enacted*, That all pecuniary Penalties imposed under this Act may be Sued for and Recovered with Costs in the name of any Person who shall inform and sue for the same before the Court of Sessions of the District within which the offence shall be committed, and upon conviction thereof, the amount of Penalty and Costs may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and in the event of there being no Goods or Chattels sufficient for the payment of the Penalty and Expenses aforesaid, the Offender or Offenders may be committed to Prison for any period not exceeding Fifteen Days; and upon recovery of the Penalty, One-half shall be paid to the Informer and the other half to the Treasurer for the purposes of the Colony.

Rules to be published in the several Districts.

III.—*And be it further enacted*, That all Rules and Regulations made in pursuance of the provisions of this Act, shall, within Three Months after the same shall have been made, be published in at least Three of the most populous portions of each District respectively, by causing such Rules and Regulations to be posted up in the most conspicuous places in the respective Districts. *Provided always*, that in the District of Conception Bay, and in the Central District, the publication of the said Rules and Regulations in the Royal Gazette for the Central District, and the Harbour Grace Herald for the District of Conception Bay, shall be taken to be a sufficient publication within the meaning of this Act.

Persons wilfully or carelessly setting fire to woods and forests guilty of misdemeanor.

IV.—*And whereas* it frequently happens that great damage is done to the Woods and Forests of this Island, and to the Property of Individuals, by reason of the wilfully or carelessly Setting Fire to the same; *Be it therefore enacted*, by the authority aforesaid, that if any Person or Persons shall hereafter wilfully or carelessly set on Fire, or cause to be set on Fire, any of the Woods and Forests of this Island, being Public or Private Property, contrary to any such Rule to be made as aforesaid, such Person or Persons shall be guilty of a Misdemeanor, and on being convicted thereof shall be Imprisoned for a period not exceeding One Month; and any Indictment or Information preferred against any such Person or Persons shall be prosecuted in any Court of Record in this Island: *Provided* that nothing in this clause contained shall be construed to deprive any Person or Persons who may be injured by such Firing and Burning of his or their Property, of an Action at Law for such Damages as he or they may sustain and prove by reason thereof.

Proviso.

Continuation of Act.

V.—*And be it further enacted*, That this Act shall continue and be in force for the period of Five Years and no longer.