

the rights of His Majesty, his heirs or successors, or of any person or persons, or of any bodies politic or corporate, such only excepted as are herein-mentioned.

Application of
the money to be
accounted for to
His Majesty.

LIV. And be it further enacted by the authority aforesaid that the due application of the said monies pursuant to the directions of this Act, shall be accounted for to His Majesty, his heirs and successors through the Lord Commissioners of His Majesty's treasury for the time being in such manner and form as His Majesty, his heirs and successors shall direct.

Public Act.

LV. And be it further enacted by the authority aforesaid that this Act shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

C A P. VII.

An Act to repeal certain Acts therein-mentioned and to regulate the Lumber Trade.

(24th April, 1819.)

Preamble.

Acts 48 Geo. 3.
Cap. 27 and 51,
Geo. 3. Cap. 18
repealed.

WHEREAS an Act was passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the better regulation of the Lumber Trade," which said Act was by another Act, passed in the fifty first year of His Majesty's Reign, intituled, "An Act to continue for a limited time and amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the better regulation of the Lumber Trade," amended and continued, which said recited Acts have since, by divers Acts been continued until the first day of May, one thousand eight hundred and nineteen, when the same will expire, and whereas it is expedient to repeal the above recited Acts, and that more ample provision for the regulation of the Lumber Trade than hath been heretofore enacted should be made, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America;" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the above recited Act, passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the

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“the better regulation of the Lumber Trade,” and the said Act passed in the fifty-first year of His Majesty's Reign, intituled, “An Act to continue for a limited time and amend an Act passed in the forty-eighth year of His Majesty's Reign intituled, “*An Act for the better regulation of the Lumber trade,*” shall be and they are hereby repealed.

No Lumber to be shipped, unless the same has been culled, &c.

Penalty.

Not to prevent the shipment of any article of Lumber, notwithstanding the whole may not be of the proper dimensions, if the same be sound & good.

Not to prohibit the exportation of Timber, Plank or Boards of an inferior or second quality.

Governor empowered to appoint Cullers and Measurers of Timber for Quebec and Montreal.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no Lumber of the descriptions herein-after-mentioned shall be shipped for exportation from this Province until the same has been previously culled, measured and certified to be of the respective qualities herein-after provided, under a penalty for each offence, not exceeding two hundred pounds nor less than fifty pounds, current money of this Province, to be forfeited and paid by the person or persons who knowingly shall have shipped or caused the same to be shipped for exportation without having been so culled, measured and certified. Provided always, that nothing contained in this Act, shall be construed to prevent the shipment of any article of Lumber, notwithstanding such article may not be of the dimensions herein-after provided, if the same be of sound and good quality, and marked or stamped as herein after provided and certified as such by one of the Cullers, to be appointed by virtue of this Act. Provided further, that whereas Timber, Plank and Boards of an inferior or second quality were heretofore imported from the countries bordering on the Baltic, into Great Britain and Ireland, and continue to be saleable and useful for particular purposes, nothing in this Act contained shall extend or be construed to extend to prevent or prohibit the exportation from this Province, of any such Timber, Plank or Boards of any inferior or second quality, provided the quality thereof, be declared in the Cocket and Manifest, accompanying the same by the ships.

III. And whereas disputes and litigation frequently arise between the buyers and sellers of Lumber, respecting quality or dimensions, for want of proper Cullers and Measurers, legally appointed and sworn to decide between them. Be it therefore further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, from time to time, and as often as it shall be necessary, to licence or appoint, one or more fit person or persons, at each of the Ports of Quebec and Montreal, to be Cullers and Measurers of Boards and Plank; also, one or more fit person or persons, at each of the said Ports, to be Cullers and Measurers of Staves; also, one or more fit person or persons, at each of the said Ports, to be Cullers and Measurers of Timber; and also, one or more fit person or persons, at each of the said Ports, to be Cullers and Measurers of Masts and Spars; and for which licence they shall be respectively charged a sum not exceeding twenty shillings

Governor may appoint Cullers and Measurers at any other place he may think fit.

Disputes between Cullers and buyers and sellers, how adjusted.

No persons, other than those who have heretofore held Licenses as Cullers and Measurers, to be appointed Cullers, unless they have passed an examination before a Board constituted for that purpose.

shillings, currency, as fees of office; and it shall be the duty of the said persons so appointed, respectively, personally, diligently and carefully to ascertain the quality and dimensions of the articles submitted to their inspection as Cullers and Measurers; and after rejecting all such as in their judgment shall appear to be, in any respect, objectionable under this Act, they shall give a true and faithful account in writing of the number, quality and dimensions of the articles they shall respectively find to be Merchantable or otherwise, and every such account, duly certified under the hand of a Culler and Measurer, shall be final and conclusive between the Buyer and Seller. Provided always, that it shall and may be lawful for the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, to appoint Cullers and Measurers of Lumber, at such other place or places, within this Province, as to him may seem meet. And that in all cases where the same shall be thought fit, the same person may be licenced and appointed Culler of more than one of the descriptions of Lumber above mentioned. And Provided also, that if any dispute shall arise between any of the Cullers and Measurers and the Buyer or Seller of any Lumber, with regard to the dimensions or quality thereof; upon application to any one of His Majesty's Justices of the Peace for the District where such Culler and Measurer shall reside, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one whereof to be named by the Culler and Measurer, another by the party complaining, and the third by the Justice of the Peace, in the form prescribed in the Schedule to this Act, letter A, requiring the said persons, immediately to examine the said Lumber, and report their opinion of the dimensions and quality thereof under Oath, (which Oath the said Justice of the Peace is hereby authorized and required to administer) in the form herein after prescribed in the Schedule to this Act, letter B, and their determination, or that of any two of them, shall be final and conclusive; and if the opinion of the Culler and Measurer be thereby confirmed, the reasonable costs and charges of re-examination, to be ascertained by the said Justice, shall be paid by the party complaining, or if otherwise, by the Culler and Measurer.

IV. And be it further enacted by the authority aforesaid, that all Licenses heretofore granted to Master Cullers and Measurers of Boards and Plank, and to Master Cullers and Measurers of Staves, and to Master Cullers and Measurers of Timber, and to Master Cullers and Measurers of Masts and Spars, appointed under and by virtue of an Act made and passed in the forty-eighth year of His Majesty's Reign, intituled "An Act for the better regulation of the Lumber Trade," shall from and after the passing of this Act, be null and void and cease to operate, and it is hereby provided that no person or persons other than those who have heretofore held Licenses as Master Cullers or Measurers, shall at any time after the passing of this Act, be licenced or commissioned to act as such Culler or Cullers, Measurer

Measurer or Measurers as aforesaid, until such person or persons applying for such license or commission, shall have previously undergone an examination as to his or their knowledge and capacity to act as such Culler or Cullers, Measurer or Measurers as aforesaid, before a board of competent person or persons, conversant in the Lumber Trade, as examiners, which Board the Governor, Lieutenant-Governor or person administering the government of this Province for the time being, is hereby authorized and empowered by commission under his sign manual to constitute and appoint for that purpose.

Persons applying for a License as Culler or Measurer, before he is appointed, to produce his former License as Master Culler or Measurer, or a certificate of his having undergone an examination, and of his having taken an Oath.

The Oath.

V. And be it further enacted by authority aforesaid, that every person applying for a license or commission as Culler or Measurer as aforesaid, before he is appointed a Culler and Measurer, shall produce his former license, as Master Culler or Measurer, or a certificate of having undergone an examination as herein before provided, and of his having taken and subscribed the following Oath in presence of any one of His Majesty's Justices of the Court of King's Bench, that is to say: "I do solemnly swear, that I will faithfully, truly and impartially, to the best of my knowledge, skill and understanding, execute, do and perform the Office and Duty of a Culler and Measurer of (here insert the description of the Lumber of which he is to be Culler and Measurer) according to the true intent and meaning of an Act, intituled, "An Act to repeal certain Acts therein-mentioned, and to regulate the Lumber Trade," and that I will give a true and faithful account and certificate of the number, quality and dimensions or measurement of all such (here insert the description of the Lumber of which he is to be Culler and Measurer) as may be submitted to my inspection and judgment, according to the best of my knowledge, and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of Lumber, either on my own account, or on account of any other person or persons whatsoever, and that I will not at any time purloin or wilfully change any article of Lumber that may at any time be delivered or entrusted to me for the purpose of being celled:" which Oath every such person shall file or cause to be filed, in the Office of the Prothonotary of the Court of King's Bench for the District in which he resides; and it shall be the duty of the said Prothonotary, and he is hereby required to grant a certificate under his hand and seal of office, to every such person of his having taken and subscribed the said Oath and filed the same in his Office, in conformity to this Act, for which certificate the said Prothonotary shall not ask or receive more than two shillings and six-pence, current money of this Province.

Penalty on Cullers, &c. changing any article of Lumber.

VI. And be it further enacted by the authority aforesaid, that all and every Culler or Cullers, Measurer or Measurers, of any article of Lumber who shall wilfully and knowingly change any article of Lumber, delivered or submitted to him or them

them to be Cull'd or inspect'd, by substituting any other article or articles of Lumber of a like description with that which may have been delivered to him or them for the purpose aforesaid, shall, upon being thereof lawfully convicted, incur a forfeiture and penalty of fifty pounds, current money of this Province.

Penalty on Cullers, &c. buying and selling, or being dealers in Lumber.

VII. And be it further enacted by the authority aforesaid, that it shall not be lawful for any Culler and Measurer of any article of Lumber to buy or sell, directly or indirectly, or be a dealer in or interested in the buying or selling of any article of Lumber either on his own account or on account of any other person or persons whatsoever, under a penalty for each and every offence not exceeding two hundred pounds, nor less than fifty pounds, currency.

Duty of the Office of Cullers, &c.

VIII. And be it further enacted by the authority aforesaid, that the persons so appointed Cullers and Measurers as aforesaid, shall, respectively hold themselves in readiness, on all lawful days, to execute the duties of their office when thereunto required; and for every neglect, refusal or delay, when not otherwise employed in the duties of their office, to proceed, within the space of six hours after such requirement, to do and perform the duties prescribed by this Act, they shall respectively, for every such offence, forfeit and pay the sum of five pounds, current money of this Province, to the use of the person or persons injured or delayed by such neglect or refusal. Provided always, that in case any Culler or Measurer, when required to proceed to the execution of his office, shall be detained or impeded therein, either by the Buyer or Seller, for more than two hours, such Culler and Measurer, shall, in such case, be reasonably indemnified for his and their trouble and loss of time, by the person so detaining or impeding such Culler and Measurer as aforesaid, which indemnity, in case of difference between the parties, shall be ascertained and adjusted, in a summary manner, by any one of His Majesty's Justices of the Peace, and may be sued for and recovered, with costs, in the same manner as other debts of the same value are recoverable in this Province.

Cullers, &c. impeded beyond a certain time by either buyer or seller, to be indemnified.

Written Contracts between the buyer and seller to be a law to the parties.

IX. And whereas it will be necessary that the Cullers and Measurers, respectively, should be governed in their official duty, by the contract or agreement between the Buyer and Seller, in so far as it respects the dimensions and description of the article or articles submitted to their inspection. Be it therefore further enacted by the authority aforesaid, that in all cases, where there is a written contract or agreement between the Buyer and Seller, such contract or agreement, shall be a law to the parties, in so far as the same expresses the dimensions and description of the article or articles so contracted or agreed for. Provided always, that it shall be the duty of the Cullers and Measurers, respectively, to ascertain whether such articles are of the dimensions and description so contracted or agreed for, and whether they are, in all other respects, of a quality fit for exportation, according to the true intent and meaning of this Act.

Duty of the Cullers, &c. to ascertain whether the articles are of the dimensions contracted for.

Where no specific agreement, buyer and seller, Cullers and Measurers to be governed by certain descriptions in ascertaining the merchantable quality of Lumber submitted to their inspection. The descriptions and standards.

X. And be it further enacted by the authority aforesaid, that in all cases where there is no specific agreement between the Buyer and Seller, the Cullers and Measurers shall respectively be governed by the following descriptions, rules, standards, and limitations, in ascertaining and certifying the Merchantable quality of Lumber submitted to their inspection, respectively, that is to say: square Oak Timber shall not be less than twenty feet in length, and not less than ten inches at the smaller end, for measurement, and shall be free from rot, rings, shakes and other defects; properly hewed, squared and butted, and not more than one bend or twist in a log; square Elm shall not be less than thirty feet in length, and not less than twelve inches square at the smallest end, for measurement, free from rot and shakes and other defects, properly hewed, squared and butted, and not more than one twist in a log; square white or yellow pine timber shall not be less than twenty feet in length and not less than twelve inches square at the smaller end for measurement, and shall be free from rot, bad knots, shakes and other defects, and properly hewed, squared and butted, and not more than one bend or twist in a log; Red Pine timber shall not be less than ten inches square for measurement, and not less than twenty-five feet in length; Pine Boards shall not be less than ten feet in length, and not less than one inch in thickness, and not less than eight inches in breadth, equally broad from end to end, edged by a saw or neatly trimmed by a straight line, free from rot, sapstains, bad knots, rents and shakes, and of an equal thickness on both sides from end to end; Pine Plank shall not be less than ten feet in length and not less than one and a half inch in thickness, nor less than six inches in breadth, equally broad from end to end, edged by the saw or neatly trimmed by a straight line, (free from rot, sapstains, bad knots, rents and shakes, and of an equal thickness on both sides, from end to end; Deals shall not be less than twelve feet in length and not less than two and a half inches in thickness, and seven, nine, and eleven inches in breadth, (the proportion of seven inches not to exceed one sixteenth part of the whole); Pipe Staves shall not be less than five feet six inches, in length, and five inches in breadth at the narrowest part, free from sap, and not less than one inch and a half thick; and the staves commonly called the Standard Pipe Staves, by which the price of all other sizes excepting West-India dressed Staves and heading, is commonly regulated, shall be of the length and breadth aforesaid, and one and a half inch thick, at the thinnest part, and on all thicker Pipe Staves one fifth of the price of the Standard Stave shall be allowed for each additional half inch in thickness; and Pipe Staves of one inch thick, shall be reckoned only at one half of the price of the Standard Staves. Hoghead Staves shall be four feet six inches long, four and a half inches broad, free from sap and none less than one inch thick, at the thinnest part, and shall be reckoned at two thirds of the price of Pipe Staves of corresponding thickness; Puncheon Staves shall be three and a half feet long, four inches broad, free from sap, and none less than one inch in thickness, at the thinnest part, and shall be reckoned at one half the price of Pipe Staves of corresponding thickness. Heading shall be two and a half feet long, five inches and a half broad or upwards, free from sap, and not less than one inch thick at the thin-

nest part, and shall be reckoned at one half the price of Pipe Staves of corresponding thickness; Tierce Staves to be two feet eight inches long, three and a half inches broad, and not less than three quarters of an inch thick, and to be reckoned at one third the price of Pipe Staves of proportionate thickness; West-India dressed Puncheon Staves shall be three and a half feet long, four inches broad and three-fourths of an inch thick; and dressed Heading shall be two and a half feet long, five and a half inches broad, and three-fourths of an inch thick, and shall be reckoned at the same price as puncheon staves, but the proportion of heading shall not exceed one stave in four; West-India dressed hoghead staves shall be three and a half feet long, three inches broad and three-fourths of an inch thick, and shall be reckoned at two-thirds the price of West-India dressed puncheon staves; all these descriptions of staves, respectively, shall be of clean white oak straight timber, properly split with straight edges, free from worm holes, knots, veins, rents, shakes, and splinters; and the Cullers shall always measure their length, breadth, and thickness at the shortest, thinnest and narrowest part; and in all cases where it shall appear that Timber, Boards, Plank or Staves, are not properly squared, butted and edged, the same being merchantable in other respects, it shall be the duty of the Cullers and Measurers, respectively, and they are hereby severally authorised and required, to order or cause such Timber to be properly squared and butted; such Boards or Plank to be properly edged, and such Staves to be properly chopped should the purchaser require it, at the expence of the Seller, previous to their being respectively received and certified to be Merchantable; and in measuring squared Timber, the Culler and Measurer thereof shall take the square at such part of the piece, and in such manner, as in his judgment, shall give the truest medium; Masts and Spars, shall be three feet in length, for every inch in diameter, at the Partners, adding nine feet for extreme length, sound and straight, free from rot, bad knots, rents or shakes; Bowsprits shall be two feet in length for every inch in diameter, at the Partners, adding two feet for extreme length; Hickory Handspikes to be six and a half feet long and three and a half inches square at the smallest part; white Ash Oars to be three and a half inches square on the looin, and five inches broad on the blade, the blade to be one third the length of the Oar, to be cleft straight on all sides; to be free from rot, large knots, splits and shakes; Lathwood, made from Pine Timber, to be cut in lengths of four or six feet, and measured by the fathom of six feet high and six feet long; Cedar and Pine Shingles to be not less than twenty-two inches long, and not less than six inches in breadth; West-India Hoops of white Ash or Hickory, to be well split and not less than twelve feet long and of a suitable strength and thickness; Provided always that the measure mentioned and intended in all cases by this Act shall be and the same is hereby declared and enacted to be English measure

To be English
measure.

Cullers and
Measurers allow-
ed certain rates
for their trouble.

The rates.

XI. And be it further enacted by the authority aforesaid, that the persons so appointed Cullers and Measurers as aforesaid, shall respectively be entitled to ask, demand and receive for their skill and labour, at and after the following rates, for culling and measuring; that is to say, for every hundred pine boards not more than one and a half inch thick and not more than eleven feet long, nine-pence, current money of this Province; for every hundred pine plank, one and a half and two inches thick, and not more than eleven feet long, one shilling like current money; for pine boards, of any greater length than eleven feet, and not exceeding one and a half inch thick, one shilling and six pence like current money; for every thousand superficial feet, for pine plank of any greater length than eleven feet and not exceeding two inches in thickness, three shillings like current money; for every thousand superficial feet, and for pine plank exceeding two inches and not exceeding four inches in thickness, four shillings and six-pence like current money; for every thousand superficial feet Oak plank to be paid for in the same proportion to pine plank as Oak Timber is to Pine Timber, for every thousand superficial feet for Oak staves, five feet long and upwards, ten shillings like current money; for every thousand staves of twelve hundred, for Oak staves under five feet and not less than four feet long, eight shillings like current money; for every thousand staves of twelve hundred Oak staves, under four feet and not less than two feet long, six shillings like current money; for every thousand staves of twelve hundred for Oak Timber, nine-pence like current money, per ton of forty cubic feet; for pine and all other square timber seven pence halfpenny like current money, per ton of forty cubic feet; for masts and bowsprits of twenty-one inches in diameter and upwards, three shillings and nine pence like current money each; for masts, bowsprits and spars of sixteen to twenty inches in diameter, two shillings and six-pence like current money each; for spars of ten to fifteen inches, in diameter, one shilling like current money each; for spars of five to nine inches in diameter, four pence like current money, each; and so in proportion for any greater or less quantity of the merchantable articles aforesaid; which rates shall be equally borne by the buyer and seller in all cases where there is no agreement to the contrary; and the seller shall moreover pay to the Culler and Measurer, in the proportion of one half of the said rates, on all such articles as may by him be rejected as unmerchantable in compensation for the extra trouble thereby occasioned. Provided always, where there is no agreement to the contrary, the seller shall defray all the expence attendant upon Lumber, up to the day of sale and delivery, except as before provided for.

In what cases
the seller to de-
fray the expence.

Cullers, &c. to
provide stamps.

XII. And be it further enacted by the authority aforesaid, that each of the persons

sons so appointed Cullers and Measurers of square Oak, Elm, and Pine Timber, and Masts and Spars, shall provide himself with a proper stamp, wherewith to stamp or indent on the butt end of each piece of Oak, Elm, or Pine Timber, inspected by him, and found merchantable, the letter M, with the initials of his name, in legible characters, to denote that the same has been inspected and found merchantable; and that such persons, so appointed Culler and Measurer, shall be bound to provide himself with a proper stamp wherewith to stamp or indent, on the end of each piece of Oak Timber, of a smaller size than ten inches square at the smaller end, and on square white or yellow pine timber under twelve inches square, and on red pine timber under ten inches square, and on square elm timber under twelve inches square, at the smaller ends, and of sound and good quality, the letter U with the initials of his name, in legible characters, to indicate that the same has been inspected and found under size; and that each of the persons so appointed Cullers and Measurers of staves, shall in like manner provide himself with a proper stamp, wherewith to stamp or indent on the end of each staff and piece of heading of one inch or upwards, inspected by him and found merchantable, the letter M, with the initials of his name, to denote that the same has been inspected and found merchantable; and that each of the persons so appointed Cullers and Measurers of Oak and Pine plank and boards, shall in like manner, provide himself with a proper stamp wherewith to stamp or indent on the end of each plank, or board, inspected by him and found merchantable, the letter M, with the initials of his name, to denote that the same has been inspected and found merchantable; and each of the Cullers and Measurers of Oak and Pine Timber, shall also provide himself with a proper stamp, wherewith to stamp or indent, on each and every piece of Oak and Pine Timber, Masts and Spars, inspected by him and rejected, the letter R, with the initials of his name, in legible characters, to denote that the same has been inspected and rejected, as unmerchantable.

Penalty on persons, molesting Cullers and Measurers, branding Lumber.

Penalty on Cullers neglecting their duty.

XIII. It is hereby provided and enacted, that any person or persons who shall prevent or in any wise molest any Culler or Measurer as aforesaid, from marking or branding any or such of the above enumerated articles as he may have been called and required to cull or measure as aforesaid, or any Culler or Measurer who shall neglect to mark or brand the same, shall upon being thereof lawfully convicted, incur a forfeiture and penalty not exceeding one hundred pounds, nor less than five pounds, currency, and in default of payment of such forfeiture and penalty as aforesaid, such person so offending and convicted, shall be imprisoned for a space of time not exceeding three months, nor less than one month from the date of such conviction.

Penalty on persons defacing marks.

XIV. And be it further enacted by the authority aforesaid, that any person or persons who shall knowingly, wilfully and fraudulently, deface, obliterate or remove any of the aforesaid marks or letters which may have been marked, burned or imprinted, in or upon any of the above enumerated articles of lumber after the same shall have been as aforesaid culled and measured, every such person or persons so offending, shall, upon being thereof lawfully convicted, incur a forfeiture or penalty of a sum not exceeding one hundred pounds, nor less than five pounds, current money of this Province; and in default of payment of such forfeitures or penalty as aforesaid, such person or persons so offending and convicted, shall be imprisoned for a space of time not exceeding three months, nor less than one month from the date of such conviction.

Penalty on counterfeiting stamps

XV. And be it further enacted by the authority aforesaid, that if any person or persons shall unlawfully use or shall counterfeit or forge, or procure to be counterfeited or forged, any stamp directed to be provided for use in pursuance of this Act, or shall counterfeit or imitate the impression of the same on any piece of Oak or Pine Timber, masts or spars, or on any staves, or on any plank and boards, with an intent to defraud, he, she or they, being thereof legally convicted, shall forfeit and pay a sum not exceeding one hundred pounds, current money of this Province, nor less than fifty pounds, like money, for every such offence, and in default of payment thereof, shall be imprisoned for a period not less than three months, nor exceeding twelve months.

Cullers, &c. or other persons making oath, that lumber is shipped for exportation, without having been first culled, a search Warrant may be issued by a Justice of Peace for that purpose.

XVI. And be it further enacted by the authority aforesaid, that upon any Culler or Measurer, or any other person making oath before any of His Majesty's Justices of the Peace, (which oath the said Justice is hereby authorised to administer,) that he has reason to believe that lumber of any description mentioned in this Act is shipped, or about to be shipped, in any ship or vessel, for exportation, without having been previously culled and measured, and stamped or marked as aforesaid, such Justice shall, and he is hereby required immediately to grant a Warrant, authorising such Culler or Measurer, or other person, to take a Constable or other peace officer, and seize and detain all such lumber to be shipped or about to be shipped, contrary to the true intent and meaning of this Act, and the person or persons having shipped, or being about to ship such lumber for exportation, knowing that the same had not been previously culled and measured, upon due proof and conviction thereof, shall forfeit and pay a sum not exceeding two hundred pounds, nor less than one hundred pounds, current money of this Province, and in default of payment shall be imprisoned for a period not less than three months, nor exceeding twelve months.

XVII.

Penalty on Cutlers for neglect of duty.

XVII. And be it further enacted by the authority aforesaid, that in case any Culler and Measurer shall at any time be found guilty of wilful neglect of duty, or of partiality, in the execution of his office, or of wilfully giving a false account or certificate of the article or articles submitted to his inspection as aforesaid, or of knowingly stamping or shipping, or causing to be stamped or shipped or omitting to stamp and mark any article of Lumber called or measured by him, whether the same be merchantable, under size, or unmerchantable in the manner required by Law for exportation, or otherwise contrary to this Act, he shall for every such offence, forfeit and pay the sum of one hundred pounds, current money of this Province, and be dismissed from his office, and for ever afterwards be incapable of holding or enjoying any such office, situation or employment.

Penalty on Masters of vessels receiving on board any Lumber not stamped.

XVIII. And be it further enacted by the authority aforesaid, that if any Master or Owner of any ship or vessel, bound from any place or Port in this Province to foreign Ports, shall be found guilty of wilful neglect of duty, in receiving on board of his ship or vessel any article of Lumber without being regularly stamped as provided for by this Act, (except for the actual use of his ship) he shall for every such offence forfeit a sum not exceeding fifty pounds nor less than five pounds, current money of this Province.

Duty of the Captain of the Port of Quebec.

XIX. And be it further enacted by the authority aforesaid, that the second, twelfth, fifteenth, seventeenth and eighteenth sections of this Act shall be inserted under the direction of the Master of the Trinity House, by the Captain of the Port of Quebec, in the Book of Regulations for the Ports of Quebec and Montreal, and be by the said Captain of the Port of Quebec, delivered to Masters of ships on their arrival at the Port of Quebec.

Regulations respecting Lumber, when lost or adrift.

XX. And whereas from tempestuous weather and other causes, divers quantities of Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, frequently get loose and go adrift in the river Saint Lawrence, the river Ottawa, or the rivers that fall into them, and are taken possession of by evil disposed persons, who secretly appropriate such Timber, masts, spars, staves, oars, handspikes, plank and boards, boats, bateaux and scows, to their own use, to the great damage of the owner or owners thereof: Be it therefore enacted by the authority aforesaid, that if any person, or persons, not employed by the owner or owners, or other persons lawfully authorized in the salvage of any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, which shall

shall at any time hereafter be adrift in the said rivers or in either of them, shall save any such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, which shall be so adrift in the said rivers or in either of them, or which, having been adrift, shall be cast on shore, in any part of the said rivers or either of them, such person or persons shall place or cause to be placed, such Timber, masts, spars, staves, oars, handspikes, plank and boards, boats, bateaux and scows so saved, in some convenient or safe situation, for the benefit of the Owner or Owners thereof, and shall forthwith give notice thereof to the Harbour Master at Quebec, if such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, shall have been saved in the District of Quebec; to the Harbour Master at Montreal, if such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, shall have been so saved in the District of Montreal; and to the Clerk of the Peace for the District of Three-Rivers, if such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, shall have been so saved in the District of Three-Rivers; and such Harbour Master or Clerk of the Peace, as the case may be, shall cause immediate notice to be given by public advertisement, in the Quebec Gazette, (the amount of the costs and expences thereof being previously deposited in his hands with the fee of two shillings and six pence, currency, for such publishing as aforesaid;) of the saving of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, and of the number and marks thereof, (if any there be,) of the person or persons by whom the same shall have been saved, and of the place at which such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, shall, so as aforesaid, have been placed, and all and every person or persons who shall aid and assist in the saving of such Timber, masts, spars, staves, oars, handspikes, planks or boards, boats, bateaux and scows, shall be paid for his or their charges and expences incurred in saving the same, with a reasonable reward or salvage by the owner or owners of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, so saved; and in default of such payment, such timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows so saved, shall remain in the custody of the person or persons who shall have saved the same, until such charges, expences and reward as aforesaid, shall be paid or security given for that purpose to his or their satisfaction; and in case of disagreement respecting the *Quantum* of such charges, expences and reward aforesaid, or any or either of them, it shall be lawful for the owner or owners of the Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, so saved, or the merchant or person therein interested on the behalf of such owner or owners, and for the person or persons who shall have so saved such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, to nominate any three of His Majesty's Justices of the Peace, who shall adjudge and decide the *Quantum* of such charges, expences and reward aforesaid, and of any

or either of them; and such adjustment or decision shall be final and conclusive and binding upon all parties, and the amount thereof shall and may be recovered in an action at law in any of His Majesty's Courts of Law, in this Province, having jurisdiction in civil causes, to the amount of such adjustment and decision; and if such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, within six months after such information by public advertisement as aforesaid, shall not be claimed, or if the person or persons claiming such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, shall not to the satisfaction of the Harbour Master, or Clerk of the Peace, by whom such information by public advertisement as aforesaid, shall be given, or otherwise in due course of law, prove the property of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, so saved by him or them, public sale shall be made thereof, by order of such Harbour Master or Clerk of the Peace as aforesaid, and the charges of such sale, together with the charges and expences incurred in saving such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, and such reasonable reward for salvage as aforesaid, (to be in this case also adjusted and decided by any three of His Majesty's Justices of the Peace being first deducted,) the residue of the money arising from such sale, with an account of the whole, shall be paid into the hands of the Treasurer of the corporation of the Trinity House of Quebec, or to any Warden of the said Trinity House resident at Montreal, to be by him transmitted to the said Treasurer, for the benefit of the Owner or Owners of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, who upon affidavit, or other proof of his property, to the satisfaction of the Master or Deputy Master, and of one Warden of the said Trinity House at Quebec, or of two Wardens thereof at Montreal, shall receive the same upon their Warrant addressed to the said Treasurer; and if within forty days next after the said Treasurer shall have received the monies arising from the sale of the Timber, masts, spars, staves, oars, handspikes, planks or boards, boats bateaux and scows, that shall have been found so cast on shore, the owner or owners of such Timber, masts, spars, staves, oars, handspikes, planks or boards, boats, bateaux and scows, shall not claim the same in the manner and form above-mentioned, then and in such case, the said Treasurer shall pay in and remit the said monies to such person or persons, as by the laws of this Province might have a legal right and claim to such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, cast on shore as aforesaid.

Disputes between the salvor and Owner, how settled.

XXI. Provided always and be it further enacted by the authority aforesaid, that nothing herein before contained shall be construed to prevent the salvor or person finding any article of Lumber as herein before described, and the owner and claimant of the same from nominating and appointing two persons (each party nominating and appointing one of the said persons) to adjust and settle the difference between them concerning such Lumber as aforesaid, which persons so nominated shall in case of any difference of opinion, call in such Harbour Master or Clerk of the Peace, as aforesaid, whose decision or umpirage shall be final and conclusive between the parties, which said Harbour Master or Clerk of the Peace shall, for such decision or umpirage and for his certificate thereof, be entitled to ask, have and receive from the parties, the sum of five shillings currency, previous to the delivery of such his decision or umpirage.

Penalty on persons finding lumber adrift, not giving notice.

XXII. And be it further enacted by the authority aforesaid, that any person or persons as aforesaid, who shall save any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, which shall at any time hereafter be adrift in the river Saint Lawrence, the river Ottawa, or the rivers that fall into them, or which having been adrift, shall be cast on shore, in any part of the said rivers or either of them, and shall neglect to give such notice thereof, as is by this Act required to the Harbour Master at Quebec, to the Harbour Master at Montreal, or to the Clerk of the Peace for the District of Three-Rivers, as the case may be, shall forfeit and pay a sum not exceeding fifty pounds, nor less than five shillings, current money of this Province, to be recovered by bill, plaint or information in any of His Majesty's Courts of King's Bench in this Province, one half to the use of the informer, and one half to His Majesty, his heirs and successors.

Penalty on persons wilfully setting lumber adrift.

XXIII. And be it further enacted by the authority aforesaid, that if any person shall wilfully and unlawfully, with intention to set adrift, unmoor by cutting, or otherwise, any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, or shall wilfully and unlawfully, set adrift any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, or shall wilfully or unlawfully conceal any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, which having been adrift in the river Saint Lawrence, the river Ottawa, or the rivers that fall into them, shall be found so adrift, or cast on shore in any part of the said rivers or either of them, and be saved, or shall wilfully and unlawfully deface any marks, or numbers of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, so saved, or shall wilfully or unlawfully aid or assist in unmooring, by cutting or otherwise, any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, with intention to set the same adrift, or setting adrift

adrift any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, or in concealing any Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, which having been adrift, in the said rivers, or in either of them, shall be found so adrift, or cast on shore, in any part of the said rivers or either of them, and be so saved as aforesaid, or in defacing any marks or numbers of such Timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux and scows, so saved, such person or persons, being indicted and convicted thereof, in any of His Majesty's Courts of King's Bench of and for this Province, shall forfeit and pay a sum not exceeding fifty pounds, nor less than ten pounds, current money of this Province, one moiety to His Majesty, and one moiety thereof to the informer, if any there be, and shall and may be imprisoned until such forfeiture be paid, but such imprisonment shall not exceed six months, and being a second time thereof indicted and convicted, such person shall stand committed to the common Gaol of the District wherein such conviction shall be had, there to remain for and during the space of six months, in which period he shall be publicly whipped or pilloried, or both, as the Court, before whom such conviction shall be had, shall see fit to order and direct.

Callers to keep an exact register of Lumber culled by them.

XXIV. And be it further enacted by the authority aforesaid, that every Culler and Measurer of any article of Lumber, shall be obliged to keep an exact Register of all Lumber culled and measured by him, and to produce the same, if thereunto required, either by the buyer or seller of any Lumber so culled and measured by him.

Captains or senior Officers of militia, to read on first Sunday of July, annually, certain sections of this Act, at the Church doors of their respective Parishes.

XXV. And be it further enacted by the authority aforesaid, that the Senior Captain of Militia, or in his absence, the Senior Officer of Militia under him, of and in every Parish within this Province, on the first Sunday of July in every year, at the Church door, immediately after Divine service in the forenoon, shall read, or cause to be read, the nineteenth, twentieth, twenty-first, twenty-second and twenty-fourth sections of this Act.

Owners or conductors of rafts to have certain signals by day and by night.

XXVI. And whereas damage is frequently occasioned by rafts to weirs, nets and other works, made for the purpose of taking fish, the owners and conductors of which rafts are unknown to and cannot be discovered by the persons by whom damage may be as aforesaid sustained, so as to obtain their remedy at Law, and whereas also the said weirs, nets and other works, as aforesaid, are frequently by high tides concealed from the view of such owners and conductors as aforesaid, whereby

whereby such damage may unintentionally occur, to remedy therefore such inconveniencies in future: Be it further enacted by the authority aforesaid, that every owner or conductor of a raft or rafts of Lumber shall at all times, while on the way to Quebec, Montreal, Three-Rivers, or to the Borough of William Henry, from any place or places out of this Province, after the arrival of such raft or rafts within this Province, or while in any of the rivers within this Province falling into the River Saint Lawrence, on their way to Quebec, Montreal, Three-Rivers, or to the said Borough of William Henry, be held to cause the name of such owner or conductor as aforesaid, written or marked in large and legible letters to be exhibited and displayed on a flag or on both sides of a board raised above the raft, to the height of at least eight feet by day, and by three lights raised above the raft to the height of ten feet by night, and throughout the night, whether at anchor or otherwise, under a penalty not exceeding forty shillings for each and every neglect so to do, and the persons owning such weirs, nets or other works for fishing, shall cause to be placed at each extreme of all such weirs, nets, or other fishing works as aforesaid, a pole or poles, which at the highest tides shall appear at least three feet above water, and in case of neglect so to do, the person or persons whose weirs, nets or other fishing works shall have been injured by any raft or rafts, shall not be entitled to have or recover any damages for such injuries sustained. Provided always that nothing in this section contained shall have force or effect until after the first day of December next.

Owners of nets for fishing to erect poles at the extreme end of their weirs.

Not to take effect, until after first December next.

Penalties, how sued for.

XXVII. And whereas it may be often times necessary to adopt speedy and effectual means for enforcing the provisions of this Act, Be it therefore further enacted by the authority aforesaid, that all the Penalties, Fines and Forfeitures by this Act imposed, shall be sued for, either in Term time before His Majesty's Court of King's Bench for the District wherein any of the offences herein before mentioned shall have been committed, or in vacation before any two of the Justices of the said Court in a summary way, within twelve months after the fact committed, and not afterwards, and shall be recoverable with costs, in the same manner as other debts of the same value are recoverable in this Province, by suit, bill, plaint, or information; the one moiety of all which Penalties, fines and forfeitures (except such as are herein before otherwise applied,) when recovered shall be paid into the hands of the Receiver General, for the use of His Majesty; towards the support of the Government of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty shall direct: and the other moiety to any person who shall inform or prosecute for the same.

Limitation of actions.

XXVIII. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons, for any thing done in pursuance

purfuance of this Act, fuch fuit or fuits fhall be commenced within the fpace of twelve months next after the offence fhall have been committed, and not afterwards; and the defendant or defendants in fuch action or fuit, may plead the general iffue, and give this Act and the fpecial matter in evidence at any trial to be had thereupon, and that the fame was done in purfuance and by the authority of this Act, and if it fhall appear fo to have been done, then the Court fhall find for the defendant or defendants, and if the plaintiff fhall be non-fuited, or difcontinue his Action, after the defendant or defendants fhall have appeared, or if Judgment fhall be given againft the plaintiff, the defendant or defendants, fhall and may recover treble cofts, and have the like remedy for the fame, as defendants have in other cafes by law.

Special matter.

Treble Cofts.

Continuance of this Act.

XXIX. And be it further enacted by the authority aforefaid, that this Act fhall continue and be in force until the firft day of May which will be in the year of our Lord one thoufand eight hundred and twenty-three, and from thence to the end of the then next Seflion of the Provincial Parliament, and no longer.

SCHEDULE A.

Schedule A.

District of } A. B. Efquire, one of His Majesty's Juftices of the Peace for the
 } District of
 To C. D. of E. F. of and G. H. of

WHEREAS a difpute hath arifen between J. J. one of the Cullers and Meafurers of Timber appointed under an Act of the Legislature of this Province, paffed in the fifty-ninth year of His Majesty's Reign, intituled, "An Act to repeal certain Acts therein-mentioned and to regulate the Lumber trade," and one K. L. of the buyer (or the feller, as the cafe may be,) of certain lumber now lying and being at with regard to the dimensions and quality thereof. I the faid A. B. in virtue of the power and authority in me in that behalf vefted by the faid Act, do therefore hereby require you the faid C. D. E. F. and G. H. immediately to examine the faid Lumber and report your opinion of the dimensions and quality thereof to me, the faid A. B. at Hereof fail not at your peril.
 Witnefs my Hand and Seal, at on this day of in the year of our Lord

A. B. (L. S.)

SCHEDULE

SCHEDULE B.

Schedule B.

YOU C. D. E. F. and G. H. and each of you shall swear, that you and each of you will without unnecessary delay, examine certain Lumber with regard to the dimensions or quality whereof a dispute has arisen between J. J. one of the Cullers and Measurers of Timber, appointed under and by virtue of an Act of the Legislature of this Province, passed in the fifty-ninth year of His Majesty's Reign, intituled "An Act to repeal certain Acts therein mentioned, and to regulate the Lumber Trade," and K. L. of the buyer (or seller as the case may be) of the said Lumber, and report your opinion of the dimensions and quality thereof. So help you God.