

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 27

An Act For the better regulation of the Lumber Trade. (14th April, 1808.)

Whereas lumber is become an article of importance in the export Trade of this Province; and it would tend to encrease its growing reputation to the great advantage of Trade, if the quality and measurement thereof, were properly ascertained. 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 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 not exceeding five hundred Pounds, nor less than twenty five 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 in this Act shall extend, or be construed to extend, to prevent the exportation of such Lumber as may now be at Quebec or Montreal, and that may have been already culled and measured in the usual way without having it again culled and measured. Provided also, 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 certified as such, by one of the Inspectors to be appointed by virtue of this Act. Provided further, that whereas Pine Timber, Pine Plank and Pine 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 Pine Timber, Pine Plank or Pine Boards of an inferior or second quality.

II. And whereas disputes and litigation frequently arise between the Buyers and Sellers of Lumber, respecting its quality or dimensions, for want of proper Cullers and Measurers, legally appointed and sworn to decide between them. Be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government 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 Master Cullers and Measurers of Boards and Plank; also, one

or more fit person or persons, at each of the said Ports, to be Master Cullers and Measurers of Staves; also, one or more fit person or persons, at each of the said Ports, to be Master Cullers and Measurers of Timber; and also, one or more fit person or persons, at each of the said Ports, to be Master Cullers and Measurers of Masts and Spars; and it shall be the duty of the said persons so appointed, respectively, personally, or by their Deputies, for whom they shall in all things be answerable, diligently and carefully, to ascertain the quality and dimensions of the articles submitted to their inspection as Master Cullers and Measurers; and after rejecting all such as in their judgement 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, and every such account, duly certified under the hand of a Master 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, to appoint Master 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 Master Culler of more than one of the descriptions of Lumber abovesaid. And Provided also, that if any dispute shall arise between any of the Master Cullers and Measurers, or their Deputies, so to be appointed, and the Proprietor or Possessor 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 Master Culler and Measurer or Deputy 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 Master Culler and Measurer, another by the Proprietor or Possessor of the Lumber, and the third by the Justice of the Peace, 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 authorised and required to administer,) and their determination, or that of any two of them, shall be final and conclusive; and if the opinion of the Master Culler and Measurer, or of his Deputy, be thereby confirmed, the reasonable costs and charges of re-examination, to be ascertained by the said Justice, shall be paid by the said Proprietor or Possessor, or otherwise by the Master Culler and Measurer.

III. And be it further enacted by the authority aforesaid, that every person so appointed a Master Culler and Measurer, Shall, before he enters upon the execution of his office, take and subscribe the following oath, in presence of any one of His Majesty's Justices of the Court of King's Bench, Videlicet, "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 Master 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 for the better regulation of 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": 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.

IV. And be it further enacted by the authority aforesaid, that the persons so appointed Master 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 same 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 Master Culler and 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, that such Master Culler, and those employed under him, shall, in such case, be reasonably indemnified for his and their trouble and loss of time, by the person so detaining or impeding such Master 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.

V. And whereas it may be necessary and proper, that persons carrying on the Lumber Trade to a great extent, should have Master Cullers and Measurers engaged exclusively in their service. Be it further enacted by the authority aforesaid, that it shall and may be lawful for any person engaged in the Lumber trade to retain in his service, one or more Master Culler and Measurer or Matter Cullers and Measurers, specially licenced, for the exclusive purpose of inspecting and measuring the article or articles of Lumber in which he deals, and to contract or agree with him, or them, for the services to be by him or them performed, in the inspection and measurement of Lumber, as aforesaid, and that any such Master Culler and Measurer, so retained exclusively for the service of any person engaged in the Lumber Trade, shall not be subject to be required or obliged to act in his official capacity, for any other person or persons, any thing herein contained to the contrary notwithstanding. Provided always, that it shall be in the power of the seller or deliverer of any Lumber, and he shall have the right to object to any such Master Culler and Measurer, so retained as aforesaid in the service exclusively of the person buying or receiving such Lumber, and to require that such Lumber shall be inspected by another Master Culler and Measurer duly appointed and sworn as a Culler and Measurer of the article or articles in question.

VI. And whereas it will be necessary, that the Master Cullers and Measurers, respectively, should be governed in their official duty, by the contract or agreement between the Buyer and the Seller, in so far as it respects the dimensions and description of the article or articles

submitted to their inspection. Be it enacted by the authority aforesaid, that in all cases, where there is a written contract or agreement between the Buyer and the 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 Master Cullers and Measurers, respectively, to ascertain whether such articles are of the dimension 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.

VII. And be it further enacted by the authority aforesaid, that in all cases where there is no specific agreement between the Buyer and the Seller, the Master 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 square for measurement, and shall be free from rot, rings, shakes and other defects, properly squared and butted; square Pine Timber, shall not be less than twenty feet in length, and not less than twelve inches Square, for measurement, and shall be free from rot, bad knots, shakes and other defects, and properly squared and butted; Pine Boards shall not be less than ten feet in length, and not less than eight 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; Pine Plank, shall not be less than ten feet long, 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, sap, stains, bad knots, rents and shakes and of an equal thickness on both sides, from end to end; Pipe Staves, shall not be less than five feet six inches, in length, and five inches in breadth, free of sap, and not less than one inch thick; and what is commonly called the standard Pipe Stave, by which the price of all other sizes is usually regulated, shall be of the length and breadth aforesaid, and one and a half inches 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 Stave. Hogshead Staves, shall be four and a half feet long, four and a half inches broad, free of 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 correspondent thickness; Puncheon Staves, shall be three and a half feet long, four inches broad, free of sap and none less three quarters of an inch in thickness, at the thinnest part, and shall be reckoned at one half the price of Pipe Staves of corresponding thickness, except those of one inch or three quarters of an inch thick, which shall only be reckoned at one third the price of Standard Pipe Staves; Puncheon Heading, shall be two and a half feet long, five and a half inches broad or upwards, free of sap, and not less than one inch thick at the thinnest part, and shall be reckoned at one half the price of Pipe Staves, of corresponding thickness; all these descriptions of Staves, respectively, shall be of clean, straight timber, properly split, well chopped on both sides, and with straight edges, free from worm holes, knots, veins, rents, shakes and splinters; and the Culler, shall always measure their thickness at the thinnest part; and in all cases, where it shall appear that

Timber, Boards, Plank or Staves, are not properly squared and butted, edged or chopped, the same being merchantable in other respects, it shall be the duty of the Master 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 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 judgement, 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 of 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. Provided always, that in all cases where there is no specific agreement to the contrary, the long established usage at Montreal, shall continue to be followed, of receiving as merchantable, such Pine Boards and Plank only as measure twelve inches or upwards in breadth. And Provided also, that the measure mentioned and intended in all cases by this Act, is hereby declared and enacted to be, English measure; And provided further, that for Pipe Staves, delivered at Quebec or Montreal, before the first day of October next, no greater breadth shall be required, than four and a half inches, free of sap, unless there be an agreement to the contrary.

VIII. And be it further enacted by the authority aforesaid, that the persons so appointed Master 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, one 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 money; for pine Boards, of any greater length than eleven feet, and not exceeding one inch thick, one shilling and six pence like 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 money; for every thousand superficial feet, and for ditto, exceeding two inches and not exceeding four inches in thickness four shillings and six pence like money; for every thousand superficial feet, for Oak staves five feet long and upwards, ten shillings like money; for every thousand staves of twelve hundred, ditto, under five feet and not less than four feet long, eight shillings like money; for every thousand staves of twelve hundred, ditto, under four feet and not less than two feet long, six shillings like money; for every thousand staves of twelve hundred, for Oak Timber, nine pence like money per ton of forty cubic feet; for pine and all other square Timber seven pence half penny like money per ton of forty cubic feet; for masts and bowsprits of twenty one inches diameter and upwards, three shillings and nine pence like money each; for masts, bowsprits and spars of sixteen to twenty inches, diameter, two shillings and six pence like money each; for spars of ten to fifteen inches, in diameter, one shilling like money each; for spars of five to nine inches in diameter, four pence like 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 the feller in all cases where there is no agreement to the contrary: and the seller shall moreover

pay to the Master 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 that after the first day of May, one thousand eight hundred and nine, where there is no agreement to the contrary, the sellers shall furnish the necessary cartage and labourers, or defray the expence thereof, attendant upon Lumber, before the same shall pass through the hands of the Cullers and Measurers, and the purchasers shall defray all such expences afterwards.

IX. And be it further enacted by the authority aforesaid that each of the persons so appointed Cullers and Measurers of square Oak and Pine Timber, shall provide himself with a proper stamp, wherewith to stamp or indent on the butt end of each piece of Oak or Pine Timber, inspected by him, or his deputy, 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 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 stave and piece of heading of one inch and a half thick, or upwards, inspected by him or his deputy, 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 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 or his deputy 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 Timber, shall also provide himself with a proper stamp, wherewith to stamp or indent, on each and every piece of Oak Timber, inspected by him or his deputy, 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.

X. 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 or used in pursuance of this Act, or shall counterfeit or imitate the impression of the same on any piece of Oak or Pine Timber, or on any staves, or on any planks or boards, with an intent to pass the same as merchantable, 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.

XI. And be it further enacted by the authority aforesaid, that upon any Culler and 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 descriptions mentioned in this Act is shipping, or about to be shipped, in any ship or vessel, for exportation, without having been previously culled and measured as aforesaid, such Justice shall, and he is hereby required, immediately to grant a Warrant, authorising such Culler and Measurer, or other person, to take a Constable or other peace

officer, and seize and detain all such lumber so shipping or about to be shipped, contrary to the true intent and meaning of this Act, and the person or persons, so shipping or 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 one hundred pounds, nor less than ten pounds current money of this Province.

XII. And be it further enacted by the authority aforesaid, that in case any Master 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 for himself or others, or causing to be stamped or shipped any lumber for exportation contrary to this Act, he shall for every such offence, for forfeit and pay the sum of one hundred pounds current money of this Province, and be for ever dismissed from his office.

XIII. And whereas from tempestuous weather and other causes, divers quantities of Timber, masts, spars, staves, plank and boards, frequently get loose and go adrift in the river Saint Lawrence, the river Ottawas or the rivers that fall into them, and are taken possession of by evil disposed persons who secretly appropriate such Timber, masts, spars, staves, plank or boards, 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 authorised in the salvage of any Timber, masts, spars, staves, plank or boards, which shall at any time hereafter be adrift in the said rivers or either of them, shall save any such Timber, masts, spars, staves, plank or boards, which shall be so adrift in the said rivers or 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, plank and boards, so saved in some convenient and 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, plank or boards shall have been so saved in the District of Quebec: to the Harbour Master at Montreal, if such Timber, masts, spars, staves, plank or boards 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, plank or boards 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 of the saving of such Timber, masts, spars, staves, plank, or boards and of the marks and numbers thereof, (if any there be,) of the person or persons by whom the same shall have been so saved, and of the place at which such Timber, masts, spars, staves, plank or boards shall, so as aforesaid, have been placed, and all and every person or persons who shall aid and assist in the saving of any such Timber, masts, spars, staves, plank or boards, shall be paid his or their charges and expences incurred in saving the same, with a reasonable reward for salvage by the Owner or Owners of such Timber, masts, spars, staves, plank or boards so saved; and in default of such payment, such Timber, masts, spars, staves, plank and boards 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, plank or boards 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, plank or boards, to nominate any three of His Majesty's Justices of the Peace, who shall adjust and decide the Quantum of such charges, expences and reward aforesaid, and of any or either of them: and such adjustment and 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, plank or boards, 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, plank or boards, 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, plank or boards, so saved to be in 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, plank or boards, 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 monies 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, plank or boards, 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, planks or boards that shall have been found so cast on shore, the Owner or Owners of such Timber, masts, spars, staves, planks or boards, shall not claim the same in the manner and form above said, 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, planks or boards, cast on shore as aforesaid.

XIV. And be it further enacted by the authority aforesaid, that any person or persons as aforesaid, who shall save any Timber, masts, spars, staves, plank or boards, which shall at any time hereafter be adrift in the river Saint Lawrence, the river Ottawas, 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 [Trois-Rivières], as the case may be, shall

forfeit 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 Kings Bench in this Province, one half to the use of the informer, and one half to His Majesty, His Heirs and Successors.

XV. 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, plank or boards or shall wilfully and unlawfully set adrift, any Timber, masts, spars, staves, plank or boards, or shall wilfully and unlawfully conceal any Timber, masts, spars, staves, plank or boards which having been adrift in the river Saint Lawrence, the river Ottawas, 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 Timbers, masts, spars, staves, plank or boards so saved, or shall wilfully or unlawfully aid or assist in unmooring, by cutting or otherwise, any Timber, masts, spars, staves, plank or boards with intention to set the same adrift, or in setting adrift any Timber, masts, spars, staves, plank or boards, or in concealing any Timber, masts, spars, staves, plank or boards which having been adrift, in the said rivers or 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, plank or boards 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 five 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, and during such period 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.

XVI. 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 thirteenth, fourteenth and fifteenth clauses of the present Act.

XVII. And whereas the lots of ground and beach, in front thereof, bordering on the river Saint Lawrence from the City of Quebec, to the farm of Sillery inclusive, are the places principally resorted to, by dealers in Lumber, who by laying their Rafts thereon, frequently without permission, take possession of and occupy the said beach for a great length of time, to the great damage of the proprietors and tenants of such lots of ground and beach, for remedy whereof; Be it further enacted by the authority aforesaid, that from and after the passing of this Act, if any Raft or Rafts, shall be laid on the beach, in front of any lot of ground, bordering on the river Saint Lawrence between the City of Quebec, and the farm of Sillery

inclusive, by any person or persons without the permission of the proprietor or tenant of such lot, and beach, and shall there remain for more than six days, without being unloaded, the Owner or Owners of every such Raft or Rafts, or his her, or their agent or agents, who, after due notice given, shall refuse or neglect for the space of twenty four hours, to unload and haul up the Lumber of which such Raft is composed, to such place above high water mark as the proprietor or tenant of such lot shall point out, or after due notice shall refuse or neglect, for the space of twenty four hours, to remove and depart with such Raft, shall, for every such refusal or neglect, forfeit and pay to the use of the Proprietor, or Tenant of such lot of land and beach, Twenty Shillings, current money of this Province, Per Crib, day by day, for each and every day that such Raft or Rafts, or any part thereof, shall thereafter remain on such Beach, and in default of payment, it shall and may be lawful for the Proprietor, or Tenant of such Lot and Beach, to seize and detain such Raft or Rafts, or any part thereof, until full payment and satisfaction is made, for the Penalty so incurred, under and by virtue of this Act, and every part thereof. Provided always, that in every case, where notice as above said, shall be given, for the unloading and hauling up of Lumber contained in any such Raft, it shall be optional to the Owner or Owners thereof, or his her or their Agent or Agents, so to do, or to depart with the same, within the time above limited.

XVIII. And be it further enacted by the authority aforesaid, that all the Penalties, Fines and forfeitures by this Act imposed, shall be sued or, within six 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 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 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 sue for the same.

XIX. 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 of this Act, such suit or suits, shall be commenced within the space of six months next after the offence shall have been committed, and not afterwards; and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear so to have been done then the Court shall find for the defendant or defendants, and if the plaintiff shall be non suited, or discontinue his Action, After the defendant or defendants shall have appeared, or if Judgement shall be given against the plaintiff, the defendant or defendants, shall and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

XX. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force, until the first day of January, which will be in the year of our Lord, one thousand

From: British North America Legislative Database; University of New Brunswick
bnald.lib.unb.ca

eight hundred and eleven, and from thence, to the end of the then next Session of the Provincial Parliament, and no longer.