

*The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

### 3 George IV – Chapter 13

#### **An Act to repeal in part, and to amend and continue for a limited time, an Act passed in the fifty-ninth year of the Reign of His late Majesty George the Third, intituled, "An Act to repeal certain Acts therein-mentioned and to regulate the Lumber Trade." (22d. March, 1823.)**

Whereas it is expedient to amend an Act passed in the fifty-ninth year of the reign of His late Majesty, George the Third, intituled, "An Act to repeal certain Acts therein-mentioned, and to regulate the Lumber Trade," and to continue the same for a limited time, as altered and amended; 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, all licences or commissions for the appointment of Master Cullers or Measurers of Boards, Planks, Staves, Timber, Masts and Spars, that may at any time have been made and issued in virtue of the fourth session of an Act passed in the fifty-ninth year of the Reign of His late Majesty George the Third, intituled, "An Act to repeal certain Acts therein-mentioned, and to regulate the Lumber Trade," shall be, and the same are hereby revoked and rendered null and void, and the board of Examiners which may have been constituted in virtue of the aforesaid session of the above-mentioned Act, and the commission or commissions, constituting the same shall in like manner from and after the passing of this Act cease and determine, and be wholly null and void, and the said fourth session of the above recited Act shall be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, that, from and after the passing of this Act, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, by a commission under his hand and seal, to constitute and appoint at least five for each of the Cities of Quebec and Montreal and three for the Town of Three-Rivers [Trois-Rivières], skilful persons, well and practically versed in the different kinds and qualities of boards, planks, staves, timber, masts and spars of all descriptions used in the Lumber Trade in this Province, to be a board of examiners who before acting as such, shall take the following oath:—I A. B. do swear that I will not either directly or indirectly, personally or by means of any person or persons on my behalf receive any Fee, Reward or gratuity whatever, by reason of any Function of my office of Examiner, and that I will act without partiality, favor or affection, and to the best of my knowledge. So help me God. Before whom all persons desirous of obtaining licences, for the purpose of being appointed Cullers or Measurers of Lumber, shall, previous to obtaining a licence, undergo an examination as to fitness, character and capacity.

III. And be it further enacted by the authority aforesaid, that if the person desirous of obtaining a Licence as aforesaid, shall, upon examination, be approved by such Board of Examiners, or a majority of them, and found unexceptionable, in fitness, character and capacity, and in every respect qualified to become a Master Culler and Measurer as aforesaid, it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the Province, for the time being, to issue a Commission, appointing such person to be a Culler and Measurer of Lumber, of the kind or description for which he may have requested to be appointed a Culler and Measurer, and such person on receiving his Commission, and on taking the oath prescribed by the above-mentioned Act, and on entering into a bond, with two good and sufficient sureties, conditioned for the payment of Two hundred and fifty pounds, currency, for the faithful performance of his duty, which bond shall be taken before the Secretary of the Province or his Deputy, and shall by him be kept among the Records and Remembrances of his Office, shall thereafter be authorized to act as a Culler, and Measurer as aforesaid. Provided always, that for taking and executing such bond, the Secretary aforesaid or his deputy shall be entitled to the sum of two shillings and six pence, currency, and no more: and Provided also, that no fee whatever shall on any account be exacted or received from any person who holding a Licence as a Measurer or Culler at the time of the passing of this Act on being re-examined pursuant to the same, shall be found duly qualified as herein above-mentioned, but that such person shall be entitled to his Licence free of charges, nor shall he be liable to any charge in respect to the same, other than the said charge of two shillings and six pence for the aforesaid bond into which he shall be held to enter.

IV. And be it further enacted by the authority aforesaid, that when any lumber of any description may be seized or detained, by reason of any thing done, or omitted to be done, in contravention or disobedience to the above-mentioned in the fifty-ninth year of the Reign of his late Majesty, George the Third, Chapter seventh, the person seizing the same, or causing the same to be seized shall if so required by the owner thereof, or by his agent, or by any other person interested in the Lumber seized or detained, and who, by such seizure or detention, might suffer damage, be held to enter into bond, and give satisfactory security to the owner, or other person as aforesaid, to indemnify him for the wrong or damage to be by such person sustained, in case such seizure or detention shall thereafter be deemed or adjudged wrongful, unnecessary or improper. Provided always, that if the person seizing as aforesaid, do not at the time of seizure, produce two good and sufficient securities, for such indemnity as aforesaid, or do not immediately on demand, to that effect, produce such securities, to the satisfaction of the owner of the lumber seized or detained as aforesaid, or of his agent, or of the person interested as aforesaid, it shall be lawful for such owner, his agent or other person interested, upon a summary petition to any of the Justices of His Majesty's Court of King's Bench, or Provincial Judge, briefly stating the facts of the case, and offering security to abide the judgment of the Law, with respect to such seizure, naming the person or persons by him offered as security, to obtain an order from the Justice, to whom the same may have been presented, requiring the person having seized the Lumber specified in such summary petition, to appear before such Justice, at a place to be therein-mentioned, and within a reasonable time; with two good and sufficient securities, by this Act required, and for the purposes thereof, and if the person having seized, as aforesaid, shall not appear with two good and sufficient securities to the satisfaction of such justice, pursuant to such order, or if such person having seized as aforesaid, shall make default to appear, pursuant to such order; such Justice shall on satisfactory proof of the service of a copy of the summary petition so as aforesaid to him presented,

and of the aforesaid order, both the person having so as aforesaid seized, make his Fiat, or order directing main levée of the seizure so as aforesaid made; and such seizure shall accordingly thereupon cease and become null and void; and security to the satisfaction of the Justice aforesaid being given on both sides to abide the judgment of the Law according to the true intent and meaning of this Act, main levée of the seizure shall in like manner be granted and the article seized be accordingly forthwith restored.

V. And be it further enacted by the authority aforesaid, that the bonds which may be given pursuant to this Act, as well by the party seizing, as by the party claiming or petitioning as aforesaid, shall be made and taken by the Prothonotary of the Court of King's Bench, or Provincial Court in the presence of the Justice by whom such order as aforesaid shall have been given, and in such form as he shall direct, and the same shall be by the Prothonotary who shall have made and taken the same, kept and preserved among the records in his office, for the benefit of the parties concerned, and for such other purposes as to Law it shall appertain, and for making, executing and fying such bonds as aforesaid, the Prothohotary having executed the same, shall be entitled to demand and receive the sum of six shillings and eight pence, currency, and no more, to be paid in equal proportions by the parties.

VI. And be it further enacted by the authority aforesaid, that the provisions of the twentieth, twenty-first, twenty-second and twenty-third sections of the aforesaid Act, passed in the fifty-ninth year of His late Majesty's Reign, chapter seventh shall be, and the same are hereby extended to the Bays of Gaspé and Chaleurs, and to the several Rivers in the Inferior District of Gaspé, falling into either of the said Bays, and that any Justice of the Peace in the said Inferior district, or the Clerk of the Peace thereof, shall be entrusted and may exercise the powers and authorities entrusted and committed to the Harbour Master of Quebec, with respect to the matters specified in the aforesaid several sections, and the penalties therein specified always be recovered by suit or action in the Provincial Court for the said Inferior District and the same when recovered shall be paid and accounted for, as in and by the said Act it is mentioned and provided.

VII. And be it further enacted by the authority aforesaid that this Act and the aforesaid Act passed in the fifty-ninth year of the reign of His late Majesty George the Third, intituled, "An Act to repeal certain Acts therein-mentioned and to regulate the Lumber Trade," as the same is by this Act altered and amended, shall respectively be and remain in force, until the first day of May, One thousand eight hundred and twenty-five, and no longer.

VIII. And be it declared and further enacted by the authority aforesaid, that all and every the provisions specified in the tenth section of the aforesaid Act of the fifty-ninth year of the Reign of His late Majesty George the Third, with respect to white and yellow pine Timber are applicable and shall extend to red pine Timber and that all and every the provisions in the aforesaid section of the above-mentioned Act, with respect to plank, are applicable and shall in like manner extend, to Deals.

IX. And be it further enacted by the authority aforesaid that it shall be the duty of the Cullers and Measurers of Timber to mark or score in large and legible figures upon the several pieces of timber, by them respectively culled and measured, the length, breath and thickness of each piece.