

The Provincial Statutes of Canada, passed in the year 1842. Kingston: Stewart Derbishire & George Desbarats, 1842.

6 Victoria – Chapter 7

An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for Shipment and Exportation from this Province, and for other purposes relative to the same. 12th October, 1842.

Whereas the several Acts of the Legislature of the late Province of Lower Canada, by which the Lumber Trade of that part of the Province was regulated, have expired; and whereas it is expedient and necessary to make Legislative provision for the regulation of the measurement and culling of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and for other matters relative to the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" and it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall be lawful for the Mayor of the City of Quebec for the time being, by a Commission under his hand and seal, to constitute and appoint a fit and proper person, well skilled and practically acquainted with the Timber Trade of this Province, as Supervisor of Cullers, who shall have been previously examined as to his qualification by the Board of Examiners hereinafter appointed whose duty it shall be to manage, supervise and control the culling, measuring, and examination of every description of Lumber as hereinafter prescribed; and who shall himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs, and Successors in the penal sum of Three Thousand Pounds Currency, for the faithful discharge of his duty, and shall, before entering on the duties of his Office, take and subscribe the following oath, before any of Her Majesty's Justices of any Court of King's Bench, or other Court of Superior Civil Jurisdiction, that is to say:—"I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my skill and understanding, execute, do and perform, the Office and duty of Supervisor of Cullers, according to the true intent and meaning of the Act, intituled *An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and for other purposes relative to the same*, that I will not either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my Office as Supervisor, except such as are allowed to me by the said Act; 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 act without partiality, favor or affection, and to the best of my knowledge:—So help me God." Which oath and bond shall be filed and kept among the records of the Office of the Registrar of this Province.

II. And be it enacted, that it shall be the duty of the Board of Trade in Quebec, to constitute and appoint in that City, at least seven, and not more than eleven persons, one of whom shall be the Supervisor, to be a Board of Examiners to examine and test the skill and qualifications of all applicants to be admitted and commissioned as Cullers; and such Board or a majority of them shall meet from time to time, as circumstances may require, when notified by the Supervisor so to do, at the Office of the Board of Trade, or of the Supervisor, to test the skill, capacity and qualifications of such applicants; and such Board of Examiners shall also meet at the Office of the Supervisor or Board of Trade Room, on the first Monday of January and May, in each year, to examine and test the skill, capacity and qualifications of all such applicants for licences as Cullers, and each member of the said Board, before acting as such, shall take the following Oath, (to be administered by a Justice of the Peace resident in the said City of Quebec,) that is to say:—"I, A. B., do solemnly swear that I will not directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fees, reward, or gratuity whatever, by reason of any function of my Office as Examiner of Cullers; and that I will act without partiality, favor or affection, and to the best of my knowledge:—So help me God."

III. And be it enacted, that no person shall be recommended to be commissioned as a Culler, by such Board of Examiners, except he is in every way capable as to his knowledge, education, age and character, and practically acquainted with one or more of the departments of culling and measuring for which he applies to be licenced.

IV. And be it enacted, that the duties of inspection and measurement shall be divided into four different departments, that is to say: one department for the measurement and inspection of square Timber; one department for the inspection and measurement of Masts, Spars, Bowsprits, Oars, and Handspikes; one department for the inspection and measurement of Staves; and one department for the inspection and measurement of Deals, Boards, Planks and Lathwood.

V. And be it enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to licence all duly qualified applicants as Cullers and Measurers, for one or more of the departments aforesaid; Provided always, that each such applicant shall produce a certificate of his fitness and qualification from the Board of Examiners, and such certificate shall be filed in the Supervisor's Office; And provided also, that such applicant shall himself, with two sufficient sureties, enter into bond to Her Majesty, Her Heirs and Successors, in the penal sum of Three Hundred Pounds Currency, for the faithful discharge of his duties, which bond shall be taken before the Supervisor, and shall also, before any of the Justices of any Court of King's Bench, or other Superior Court of Civil Jurisdiction, take and subscribe the following Oath, that is to say:—"I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my knowledge and understanding, execute, do and perform, the duty of a Culler and Measurer of _____ (here insert the description of the lumber of which he is to be a Culler and Measurer) according to the true intent and meaning of an Act, intituled *An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and Exportation from this Province, and for other purposes relative to the same*, and that I will give a true and faithful account and certificate of the number, quality and dimensions or measurement of the lumber of which I am to be commissioned a Culler,

which may be submitted to my judgment and inspection, 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 or omit, any article of lumber submitted to me for the purpose of being measured, counted or culled:—So help me God.” Which Oath every such person shall file or cause to be filed in the Office of the Supervisor; and it shall be the duty of the Supervisor, when applicants to be Cullers shall have complied with the requirements of this Act, to report and certify the same to the Governor or his Secretary, and procure for such applicant or Culler his or their licence or licences without any fee on the part of the Supervisor, and subject only to the payment of such fees of Office as are usual and reasonable for such documents.

VI. And be it enacted, that it shall be the duty of the said Supervisor of Cullers, to open an Office in a central and convenient place at the Port of Quebec, for the transaction of his duties, which Office shall be kept open by him or his deputy, on all lawful days, from six o’clock in the forenoon to six o’clock in the afternoon, during the open season of navigation, and at other times, during ordinary Office hours; and the said Supervisor shall employ such number of Cullers as may be necessary to do the work required in the different departments of culling and measuring; and the duty of such Cullers in each department shall be performed by them in rotation; and the Supervisor shall have authority to dictate the number of men required to be employed under the direction of the Cullers, for the expeditious culling of Timber, Deals, Staves, and every other description of lumber to avoid unnecessary delay.

VII. And be it enacted, that it shall be the duty of every owner, or person in charge of any Raft of lumber, or of any Vessel, Boat, Scow, or Craft of any kind having Lumber on board, to report the arrival of the same to the Supervisor or Deputy Supervisor at the port or place at which such lumber is intended to be shipped sold or offered for sale, within twenty four hours after its arrival there, under a penalty of five Pounds Currency for each day during which he shall neglect to report the same, and the Supervisor or Deputy shall cause such lumber to be measured and marked within twenty four hours after receiving such report, with the exception of Staves and Deals which shall not be required to be measured or culled, until the owner thereof desire to land or unload the same.

VIII. And be it enacted, that all holders of measuring tapes, and scribes of timber shall, before entering on their duties as such, take and subscribe before some one of Her Majesty’s Justices of the Peace, the following Oath, that is to say:—“I, A. B., do solemnly swear, that I will in all cases, give and mark the true measurement of every description of lumber on which I may be employed as holder of tape or scribe of timber; and that I will act without favor or affection:—So help me God.” Which Oath shall be filed in the Office of the Supervisor; Provided always, that persons so employed, shall in all cases, when practicable, be apprentices or candidates for becoming Cullers and Measurers.

IX. And be it enacted, that it shall be the duty of every Culler to check and examine the entry of his measurement, and counting, on the books of the Supervisor, and to sign a copied specification

thereof; such specification having been checked and examined in the Office of the Supervisor, and to be countersigned by him or his deputy; which specification shall be furnished to the owner of the property or person entitled to the same, as soon as practicable after the measuring or culling of any Lumber is completed, if called for.

X. And be it enacted, that it shall be the duty of the Supervisor to record the several applications for measuring or culling every description of Lumber, when applied so to do; and that the culling or measurement of the same shall be performed in rotation of registration; and that the Supervisor shall within twelve business hours after such registry, send a Culler to do the measuring, culling or counting, so required, in any place within the Harbour of Quebec, provided the said Supervisor of Cullers has at the time required Cullers unemployed or obtainable.

XI. And be it enacted, that it shall be the duty of the Supervisor of Cullers, on application of any party interested in the Lumber Trade carried on at any place from which Lumber is exported from this Province by sea, to appoint as many licenced Cullers as may be requisite to act at such place, one of whom shall be his deputy, for whose official acts, the Supervisor shall be responsible, and from whom he may require such security as he may deem requisite, and who shall, with regard to the place for which he may be appointed and by virtue of his appointment as such deputy, have all the powers hereby vested in the Supervisor, and to whom, as well as to the licensed Cullers at such place under his controul, all the enactments and provisions of this Act, with regard to the Supervisor and Cullers shall respectively apply.

XII. And be it enacted, that it shall be the duty of each Deputy Supervisor to keep Books and Accounts relative to the business of his Office for the place at which he acts in like manner and form as the Supervisor is bound to do at the place at which he acts in person, and each such deputy shall make monthly returns to the Supervisor at Quebec of the business of his Office in such form as the Supervisor shall appoint and so as to enable the Supervisor to afford to the public the same information with regard to the business transacted by any Deputy as he is bound to afford with regard to the business transacted at the place at which he acts in person; and such Deputy shall pay over all monies by him collected as fees either by paying the same to the credit of the Supervisor into some chartered Bank named by that Officer, or by transmitting the same to the Supervisor at Quebec in such manner as he shall appoint.

XIII. And be it enacted, that it shall be the duty of every Culler to provide himself with a measuring rod and tape, which shall in all cases be legal English measure, and tested and compared by a standard kept in the office of the Supervisor, and also with a scribing knife, to mark in legible characters, the length breadth, and thickness of all Lumber measured and inspected by him, together with the mark, initials or number of the party if required; and it shall also be the duty of every Culler to provide himself with a proper stamp, with the initials of his name in legible characters, and with the additional capital letters M. U. and R. wherewith to indent or stamp on the end of each piece of timber, mast, spar, deal, stave, oar and handspike, the quality thereof, when made merchantable, and requested by the seller and buyer so to do; the letter M. shall indicate and denote what is merchantable; the letter U. shall indicate and denote what is sound

and of good quality, but of under merchantable size; and the letter R. shall indicate and denote what is rejected and unmerchantable.

XIV. And be it enacted, that in all cases, the Supervisor and Cullers respectively, shall be governed by the following descriptions, rules, standards and limitations, in ascertaining and certifying the merchantable quality of lumber submitted to their inspection, that is to say:—Square White Oak timber shall not be less than twenty feet in length, and not less than ten inches in the middle, and the taper shall not be more than two inches in any length under thirty feet, nor more than three inches for any greater length, and shall be free from rot, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length; Square Rock Elm shall not be less than thirty feet in length, nor less than ten inches in the middle, and the taper shall not be more than two inches in any length under thirty-two feet, nor more than three inches for any greater length, free from rot, rings, shakes and other defects, and shall be properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every thirty feet in length, nor more than four inches hollow for every forty feet in length; Square White or Yellow Pine timber shall not be less than twenty feet in length, and not less than twelve inches square in the middle, and the taper shall not be more than two inches under thirty feet, nor more than four inches for any greater length, and shall be free from rot, bad knots, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length, including any, not less than fifteen feet in length, and not less than sixteen inches square; Red Pine square timber shall not be less than twenty-five feet in length, nor less than ten inches square in the middle, and the taper shall not be more than two inches in any length under twenty-five feet, nor more than four inches in any greater length, and shall be free from rot, had knots, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length; Ash, Basswood and Butternut shall be of the same standard, quality and dimensions, as White Pine; Pine or Fir 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, sap, stains, bad knots, rents and shakes, and of equal thickness on both edges from end to end, but the colour alone of any plank or board shall not be a sufficient cause for their rejection, if they be in other respects sound and merchantable, and of the dimensions required by this Act; Pine or Fir Deals shall not be less than twelve feet in length, and not less than two and a half inches in thickness, and seven, nine or eleven inches in breadth, (the proportion of seven inch deals not to exceed one sixteenth part of the whole,) and shall be free from rot, rotten knots, black knots, and case knots, shakes and splits, and shall be well sawn, but the colour alone of such deals, planks and boards shall be no objection to their being considered of merchantable quality; 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 and a half inch thick; and the Staves commonly called Standard Staves, (by which the price of all other kinds of Staves, except West India and Heading, are 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 Staves, shall be allowed for each additional half inch in thickness; and Pipe Staves of five feet six inches in length, and five inches in breadth at the narrowest part, and one inch thick, shall be reckoned at two-thirds of the price of Standard Staves; and all Staves of four feet six inches in length, and five inches in breadth at the narrowest part (if they be one inch thick,) shall be reckoned at one half the price of Standard Staves; if they be one inch and a half thick, at seven tenths of such price; if they be two inches thick, at eight tenths of such price; if they be two inches and a half thick, at nine tenths of such price; and if they be three inches thick, at the same price as Standard Staves; Hogshead Staves shall be four feet six inches long and four and a half inches broad, exclusive of sap, and not 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, and four inches broad, exclusive of sap, and not 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, exclusive of sap, 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; Tierce Staves shall be two feet eight inches long, three and a half inches broad, and not less than three quarters of an inch thick, and shall be reckoned at one-third the price of Pipe Staves of corresponding thickness; West India Staves shall be three and a half feet in length, four inches broad, and three-fourths of an inch thick; 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; West India dressed Hogshead 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 of the price of West India dressed Puncheon Staves; and whenever there shall be no specific agreement to the contrary, between the buyer and seller, four fifths at least of the whole number of Staves sold or contracted for, shall be staves of five and a half feet long, and not more than one third of the remaining fifth of such number shall be heading; Staves respectively shall be of clear white oak, straight timber, properly split, with straight edges, free from wormholes, knots, veins, rents, shakes and splinters; and the Culler shall always measure their length, breadth and thickness, at the shortest, narrowest and thinnest parts; Masts and Spars shall be three feet in length for every inch in diameter at the partners, and shall be sound, and six feet of extreme length for all masts of twenty-two inches and under that size, and not more than four inches hollow, free from bad knots, rents and shakes; Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length, sound and free from defects, with two inches hollow on the inside; Hickory Handspikes shall be six feet long, and three and a half inches square at the smaller end; Ash Oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, which shall be cleft straight on all sides, and free from rot, large knots, splits and shakes; Lathwood shall be cut in lengths of four to six feet, and measured by the cord of eight feet in length, by four feet in height.

XV. And be it enacted, that in all cases where it shall appear, that Timber, Masts, Spars, Boards, Planks, Deals, Staves, Oars and any other description of lumber are not properly squared, butted or edged the same being merchantable in other respects, and sold as such, it shall be the duty of the Supervisor and Culler respectively, and they are hereby severally authorized and required to order or cause such lumber to be properly dressed and chopped, at the expense of the seller,

previously to their being respectively received and certified to be merchantable; and in measuring off squared timber in the raft or otherwise, it shall be the duty of the Culler and measurer, to take the square at such part of the piece, and in such manner, as in his opinion shall give the truest medium and full cubic contents thereof, without reference to what it may contain or measure when redressed and made merchantable: Provided always, such piece of timber or part thereof so measured off, be visibly sound and of use: it shall also be lawful for Cullers to mark and make merchantable qualities and second qualities, and culls, of the articles of deals, planks and boards; and the letter S. stamped and indented thereon shall indicate and denote second quality.

XVI. And be it enacted, that unless there be a specific agreement to the contrary, timber shall be measured off without any allowance or deduction, and afterwards that a certain portion of the said Timber, that is to say: so much thereof as shall be agreed upon, be broken up and made sound, and that a reduction on the residue of the said Timber shall be made in proportion to the loss ascertained in that portion broken up and made sound, and the expense of making it sound shall be paid by the seller; a copy of every agreement of the mode of measurement; upon the sale of any description of lumber mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the Supervisor of Cullers, at the same time that an application is made to the said Supervisor for a Culler to measure or cull any of the said lumber, for the guidance of the said Culler, in the performance of his duty: Provided there be nothing therein contrary to the true intent and clear meaning of this Act.

XVII. And be it enacted, that the following rates shall be charged and collected by the Supervisor, as the tariff of Fees and charges for culling and measuring each description of lumber, which tariff shall include all charges and expenses against such lumber, except in cases where extra labour for dressing, butting, chopping and piling is necessary and required, that is to say: for culling Pine or Fir Boards, not more than one and a half inch thick, and not more than eleven feet long, one shilling currency, for every hundred pieces thereof; for Pine or Fir Plank, one and a half and two inches thick, and not more than eleven feet long, one shilling and three pence currency, for every hundred pieces thereof; for Pine or Fir Board of any greater length than eleven feet, and not exceeding one and a half inch thick, one shilling and six pence currency, for every hundred pieces thereof; for Pine or Fir Plank of any greater length than eleven feet and not exceeding two inches in thickness, two shillings currency, for every hundred pieces thereof;

Timber measured off;

	S.	D.
White Pine, Bass or Butternut, per ton of forty feet,	0	3
Red Pine,	0	4
Hardwood,	0	4

For Culling and Measuring,

White Pine Timber,	0	6
Red Pine do.	0	7
Hardwood do.	0	8
Deals per standard hundred,	4	0
Standard Staves per Mill,	12	6
West l do.	6	6
Barrel do.	4	0
Oars and Handspikes per hundred pieces,	4	0
Spars from 15 to 20 inches,	2	0
Masts and Bowsprits from 19 to 24 inches,	2	6
Ditto. ditto. 24 inches and upwards,	3	6

And the proportion of one-half of the said rates shall be paid on all such articles of lumber as shall be measured and rejected as unmerchantable; and such rates for culling and measuring shall in all cases be paid to the Supervisor on the delivery of the specification, or upon the presentation of an account thereof; and one-half of such rates shall be paid by the buyer, and the other half by the seller.

XVIII. And be it enacted, that it shall and may be lawful for the Supervisor of Cullers to procure an Office, the necessary Office Furniture, Books, Stationery, and other indispensable requisites, all of which, and every record and voucher appertaining to his office shall be public property; and also to employ such number of Clerks as may be required to perform the public duties of his office; all which charges and expenses together with Culler's Fees shall be paid out of the amount of Fees collected by him, at the rates aforesaid: Provided always, that such charges, expenses and services, are made, done, performed and procured by him at their lowest current value; and it shall also be the duty of the Supervisor of Cullers, on or before the first day of January, in each and every year, under oath, (to be administered by any of Her Majesty's Justices of the Peace) to render in detail in triplicate to the Governor and for the use of the Legislature, a correct statement of his receipts and disbursements during the year then last past, together with an inventory of such articles of Public property as he shall then have in his possession, and an abstract of the number of pieces, and number of cubic feet, of each description of lumber, and the section of the Province wherefrom it came.

XIX. And be it enacted, that the Supervisor (and each of his Deputies for the place for which such Deputy shall act) shall keep a Day Book or Journal in which he shall cause to be entered a full account of each day's business, with abstracts of the specification of the measurement and culling of all lumber culled or measured, and the name of the owner, buyer and seller of the same, the date of the commencement and of the completion of the measurement and culling, and of the delivery of the specification, the gross amounts of the fees received and the rates charged, and shall also keep a Ledger containing the account of each party with the office, and a Cash Book

shewing the sums received and expended under the provisions of this Act, and all such Books shall be furnished by the Provincial Government at the expense of the Province, and shall belong to the Province for the public uses thereof.

XX. And be it enacted, that the measurement Books, and other public records of the Office of the Supervisor, shall be open to the perusal of the seller and buyer of lumber, in reference to any transaction between them, and of any other party interested therein.

XXI. And be it enacted, that it shall and may be lawful for the Supervisor of Cullers to receive and take out of the funds coming into his hands the sum of three hundred pounds as an annual salary for his services, exclusive of all the expenses of his office; it shall also be the duty of the Supervisor of Cullers, to report to the Chairman of the Board of Trade, on or before the first day of January in each and every year, the surplus or deficiency of funds which shall be, after the payment and discharge of his said Salary, and the expenses of his office; which extra fund (if any) shall be disposed of and applied as may hereafter be found necessary and expedient, exclusively for this Act, under the controul and as directed by the Board of Trade and the Supervisor.

XXII. And be it enacted, that Cullers employed by the Supervisor shall, in consideration for their labour and services, receive from the Supervisor the following proportion of the fees charged and collected by the Supervisor, that is to say:—for the culling and measuring of Timber, Deals, Staves and other Lumber, two-thirds of the amount of fees established by this Act; and for measuring off every description of timber or other descriptions of Lumber, the one half of the amount of the fees established by this Act; Provided always, that Cullers shall pay the expense of their attendants or assistants; it shall also be the duty of all Cullers to obey the lawful commands of the Supervisor, and they shall respectively hold themselves in readiness, on all lawful days, to execute the duties of their office from day-light till dark; and for every neglect, refusal, or delay when not otherwise employed about the duties of his office, the Culler so refusing, neglecting or delaying, shall respectively forfeit and pay the sum of ten pounds currency, to the use of the person or persons injured by such neglect or refusal or delay; and any Culler guilty of impropriety of conduct, or disobedience of orders, may be discharged by the Supervisor.

XXIII. And be it enacted, that it shall and may be lawful for the Board of Trade in the City of Quebec and the Supervisor together, to increase or diminish the tariff of fees and charges for culling and measuring established by this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the Supervisor's Office, and the sufficient payment of Cullers: and also to apportion, divide and regulate such fees between the Cullers in the different departments, and the expense of the Supervisor's establishment respectively, as to them shall seem equitable and just; any thing expressed in this Act to the contrary notwithstanding.

XXIV. And be it enacted, that Cullers licensed under this Act, and not employed by the Supervisor, may engage or hire to merchants or others, as Shipping Cullers; but such Culler or Cullers shall in no case measure, count, mark or stamp any description of Lumber before the same shall have been first measured by a licensed Culler under the direction of the Supervisor; except by the written permission of the Supervisor in places beyond or without the Port of Quebec, and in

accordance and on the same terms as Cullers under the Supervisor, according to this Act, and also on condition of keeping a record of their respective operations, (returns of which to be made monthly to the Supervisor); and any Culler so hired or engaged, offending against the provisions of this Act, shall, on being duly convicted thereof, before any Court having competent jurisdiction, forfeit and pay a sum not exceeding twenty pounds currency, or be imprisoned for six calendar months, for every such offence; and any person not licensed as a Culler, who shall measure, mark or stamp any article of lumber, the same being, or intended to be shipped by such measurement, or with the intent of evading or eluding the provisions of this Act, shall, upon being duly convicted thereof before any Court, having competent jurisdiction, forfeit and pay a sum not exceeding ten pounds currency, or be imprisoned for a term not exceeding six calendar months, for every such offence; and any Culler employed by the Supervisor, who shall privily, and without the knowledge or consent of the Supervisor, or for any hire or gain, and without the same being duly entered on the Books of the Supervisor, measure, mark or Stamp any article of lumber, shall, on being duly convicted of the same, before any Court of competent jurisdiction, forfeit and pay a sum not exceeding five pounds currency, or be imprisoned for a term not more than six calendar months, for every such offence.

XXV. And be it enacted, that if any dispute shall arise between the buyer or seller, and the Culler and Measurer of any article of lumber, with regard to the dimensions or quality thereof, it shall be the duty of the Supervisor (upon a written complaint thereof being made, and demanding a survey and before the position or situation of the timber or raft is altered,) as soon as possible, to examine the quality and dimensions of the same, and report thereon; and his determination (with or without the assistance of licensed Cullers) shall be final and conclusive; and if the opinion and act of the Culler and Measurer be thereby confirmed, the reasonable costs and charges of re-examination shall be paid by the party complaining, but if otherwise, by the Culler and Measurer.

XXVI. And be it enacted, that nothing in this Act shall be construed to require that Lumber of any description whatsoever, shall be culled except at the option and request of the buyer and seller; or that any person being the owner of Mills at which deals are manufactured for exportation, shall be required to cause such deals to be measured, if exported by such manufacturer on his own account, but with the exception made in this section, no lumber shall be exported from this Province, without being measured in the manner required by this Act under the inspection of the Supervisor or his Deputy, under a penalty of one penny currency, for each cubic foot, or one shilling for each separate piece of lumber, (at the option of the prosecutor) knowingly shipped without being so measured, and such penalty shall be recoverable from the owner or from the shipper, or from the master of the vessel on board which such lumber is illegally shipped.

XXVII. And be it enacted, that it shall not be lawful for the Supervisor or for any Culler or Cullers, to buy or sell, directly or indirectly, or to 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 whomsoever, under a penalty for each and every offence, not exceeding fifty pounds currency, nor less than ten pounds currency, and the forfeiture of his or their office.

XXVIII. And be it enacted, that if the Supervisor of Cullers, or any licensed Culler, or any Clerk or Assistant 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 of Lumber submitted to his or their inspection, measurement or calculation, or of any other wilful neglect of, or prevarication with regard to the duty they are respectively intended to discharge, he shall for every such offence (being convicted thereof as aforesaid) forfeit and pay a sum not exceeding fifty pounds currency, and be dismissed from his office, and be for ever after incapable of holding or enjoying any such office, situation or employment.

XXIX. And be it enacted, that in the event of the departure from the Province, or the declared or known insufficiency, or the death of any of the sureties of the Supervisor or of any Culler respectively, it shall be the duty of each respectively, immediately to procure other sufficient sureties, and to enter into bonds as provided for in this Act, or their appointment or licences shall become null and void.

XXX. And be it enacted, 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 article of lumber, or shall knowingly, wilfully and fraudulently, deface, obliterate or remove, any of the marks or letters, which may have been marked, burned or imprinted, in or upon any article 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, before any Court of competent jurisdiction, incur a forfeiture and penalty not exceeding twenty pounds currency, or imprisonment for a term not more than three calendar months: Provided always, that timber redressed, whereby the first measurement, and dimensions shall necessarily become altered, may be re-measured according to the provisions of this Act, by a Shipping Culler.

XXXI. And be it enacted, that if any person or persons shall wilfully and unlawfully (with the intention to set adrift) unmoor, by cutting or otherwise, any Timber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow; or shall wilfully and unlawfully, conceal any Lumber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow, which having been adrift in any river or lake in this Province, shall be so found adrift, or cast on shove in any part of the rivers or lakes, or any of them and be saved; or shall wilfully and unlawfully, deface or add any mark or number on such Timber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow, so saved, or make any false or counterfeit mark thereon, or shall unlawfully aid or assist in doing any such act as aforesaid, such person or persons, being duly convicted thereof, on the oath or complaint of one or more credible person or persons before any two Justices of the Peace for any part of this Province, shall forfeit and pay a sum not exceeding twenty pounds currency, nor less than five pounds currency, for each offence; and one moiety of such penalty shall go to Her Majesty, and the other moiety to the informer, or prosecutor, and the offender shall and may be imprisoned until such forfeiture be paid; but no such imprisonment shall for any first offence exceed one month; and if any person shall be a second time convicted of any such offence such person may be 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.

XXXII. And be it enacted, that it shall be imperative on the owners or conductors of rafts, to have bright fires kept burning during the night, while drifting on any of the navigable rivers in this Province, on pain of being subject to pay a penalty not exceeding two pounds ten shillings currency, upon conviction before any two of Her Majesty's Justices of the Peace.

XXXIII. And be it enacted, that all the penalties, fines and forfeitures by this Act imposed, shall be sued for (except where otherwise provided for) either in term time, before any of Her Majesty's Superior Courts of Record, or before any other competent Court for the District wherein any of the offences hereinbefore mentioned shall have been committed, or in vacation before any of the Justices of such Court, in a summary manner, within twelve months after the fact committed, and not afterwards; and shall also be recoverable, with costs, in the same manner as other debts of the same value are recoverable in this Province by bill, suit, plaint or information; and one moiety of all such penalties, fines and forfeitures, (except such as are hereinbefore otherwise applied) shall be paid into the hands of the Receiver General, and remain at the disposal of the Provincial Legislature, for the Public uses of the Province, and shall be accounted for to Her Majesty, Her Heirs, and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as Her Majesty, Her Heirs and Successors shall direct; and the other moiety shall belong to the informer, or person who shall prosecute or sue for the same.

XXXIV. And be it enacted, 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 action shall be commenced within the space of twelve Calendar 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 judgment shall be given, or a verdict found for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment 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.

XXXV. And be it enacted, that this Act shall begin and take effect from and after the first day of January, in the year of our Lord one thousand eight hundred and forty three, and shall be published in the Official Gazette of this Province, for six Calendar months next after its passing.

XXXVI. And be it enacted, that this Act shall be and remain in force until the first day of May in the year of our Lord one thousand eight hundred and forty seven and no longer.