

essential part of the measurement, culling or assorting of lumber, with intent to elude the provisions of the said Act or of this Act, shall on being duly convicted of such offence in a summary manner, before a Justice of the Peace of the District in which such offence shall have been committed, and in which the offender shall be found, 5
 forfeit and pay a sum not exceeding *twenty* pounds, nor less than *five* pounds, or be imprisoned in the common gaol for any term not exceeding two calendar months, in the discretion of the said Justice of the Peace, for each 10
 such offence ; and any culling, assorting or division whatsoever of lumber, according to particular dimensions, descriptions or quality, or any mark, letter, figure or sign made with red chalk or any other thing, or in any other manner whatsoever, on any such 15
 piece of lumber, shall be considered and taken as a culling, assorting, measuring, marking or stamping, as the case may be, within the meaning and intent of this section, and proof of the fact of any such lumber having been placed alongside or taken on board any sea-going 20
 vessel, shall be sufficient evidence of such illegal shipping or intent to ship illegally such lumber for exportation by sea ; and any culler employed by the Supervisor, who shall privily and without the knowledge and consent of the Supervisor, or for lucre or gain, and without the 25
 same being entered in the books of the Supervisor, measure, cull, mark or stamp any article of lumber, shall, on being duly convicted thereof before any Court of competent jurisdiction, forfeit and pay a sum not exceeding *one hundred* pounds currency, or be impris- 30
 oned for a term not exceeding six calendar months, in the discretion of the Court, for each such offence ; and the penalties imposed by this section shall be sued for and recovered, paid and accounted for in conformity with and according to the provisions of the thirty-second 35
 section of the Act above cited, except where it may be otherwise provided in and by this Act.

Penalty.

Culling of lumber not compulsory when shipped by the producer.

III. And be it enacted, That nothing in the said Act, or in this Act contained, shall be held or construed to make it compulsory for any article of lumber to be 40
 measured, culled or assorted, under the provisions of the said Act or of this Act, provided that such lumber be shipped on board of a seagoing vessel for account (in good faith,) of the actual and *bonâ fide* producer or manufacturer thereof, and provided that before the vessel 45
 on board of which such lumber shall be shipped, shall obtain a clearance from the Custom-house, an affidavit or affirmation in writing shall be made by the shipper or his agent before the Collector or Comptroller of the port at which such vessel shall be laden, (either of whom is 50
 hereby authorised to administer the same,) that such lumber has been shipped in good faith, for account of the shipper, and that he is the actual *bonâ fide* producer or