

When culling shall be compulsory. by sea for account, in good faith, of the actual and *bonâ fide* producer or manufacturer thereof; but all other lumber shipped for exportation by sea, shall be either measured, culled or counted, at the option of the persons interested, by a licensed culler, under the control and superintendence of the supervisor or deputy, and the owner or shipper of such lumber, or the proprietor or lessee of the premises from which such lumber is so unlawfully shipped. shall incur a penalty equal to the market value of any article of lumber so unlawfully shipped :

What shall be evidence of unlawful shipping. 2. Proof of the fact of lumber having been placed alongside or taken on board of any sea-going ship or vessel, shall be sufficient evidence of such unlawful shipping for exportation by sea :

Burden of proof to lie on person charged. 3. The proof of the measuring, culling or counting of such lumber, in conformity with this Act, shall lie upon the person charged with such unlawful shipping ; and the market value of any article of lumber so unlawfully shipped, shall be ascertained by the certificate of the council of the Quebec Board of Trade, or by a certificate under the hand of the supervisor. C. S. C., c. 46, s. 46.

Limitation of time for suits for penalties. **43.** Every penalty and forfeiture incurred under this Act shall (except where otherwise provided) be sued for within twelve months after the offence is committed, and not afterwards, and shall be recoverable, with costs, either in any court of competent jurisdiction, or in a summary manner under the "*Act respecting summary proceedings before Justices of the Peace*" :

Recovery of penalties.

Application. 2. A moiety of all such penalties and forfeitures, except as are hereinbefore otherwise provided, shall belong to Her Majesty, for the public uses of Canada, and the other moiety shall belong to the person aggrieved, or to the informer or person who prosecutes or sues for the same. C. S. C., c. 46, s. 44.

Time within which actions for things done under this Act must be brought. **44.** Every action, against any person, for anything done in pursuance of this Act, shall be commenced within twelve months next after the cause of action has arisen, and not afterwards, and the defendant in such action 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 appears so to have been done, then judgment shall be given, or a verdict found for the defendant ; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover costs and have the like remedy for the same as defendants have in other cases by law. C. S. C., c. 46, s. 45.

As to costs.