

of the provincial statute, 6 Vict. ch. 7, being, "An act to regulate the inspection and measurement of timber, &c." By this section it is 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, &c."

As a legal cause for not having constituted and appointed a board of examiners, in pursuance of this enactment, the board of trade have returned, that no supervisor of cullers has yet been appointed, under the authority of the said Act, and that they cannot, therefore, proceed to appoint the said board of examiners, as required by the writ of *mandamus*. This return brings under consideration the question whether, by the terms used by the Legislature, it has been made indispensably necessary, for the legal constitution of the board of examiners, that the supervisor of cullers should by the board of trade, be made a member of it.

In this, as in other cases, whether it proceed from a public or private source, from the Legislature, or from a private individual, the power so given must be strictly pursued, without any deviation from the manner prescribed for its execution. According to the terms of the section, which has been cited, the board of trade are to appoint, at least, seven, and not more than eleven persons to be a board of examiners, and of this number, so to be appointed, it is expressly required that the supervisor of cullers should be made one.

This officer is then made an integral part of the board to be appointed, without whom the board itself cannot exist: a board constituted without him, would not be a board of examiners, such as required by the statute, and would, consequently, be incapable of exercising any of the powers conferred upon it; and these power, it is to be observed, are