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No. 89.

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2nd Session, 7th Parliament, 26 Victoria

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**BILL.**

An Act to amend the Act regulati  
culling and measuring of Lumber.

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Received and read, first time, Wedn  
4th March, 1863.

Second reading, Monday, 9th March,

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Mr. Pow

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# BILL.

No. 89.]

[1868.

## An Act to amend the Act respecting the Culling and Measuring of Lumber.

**WHEREAS** it is expedient to amend the Act respecting the culling and measuring of Lumber, chapter forty-six of the Consolidated Statutes of Canada ;

Preamble:  
Con. Stat. Canada, cap. 46.

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Section six of chapter forty-six of the Consolidated Statutes of Canada is hereby repealed.

2. Section eight of the said Act is hereby repealed, and the following section is substituted therefor :—  
10 the Council of the Quebec Board of Trade and the Ottawa Board of Lumber Manufacturers shall each respectively elect three persons practically acquainted with the lumber trade, and the Supervisor shall, by an instrument under his hand and seal, appoint three licensed Cullers, which said persons, so elected by the Quebec Board of Trade and the  
15 Ottawa Board of Lumber Manufacturers, and the three said Cullers appointed by the Supervisor, shall constitute a Board of Examiners, of which Board the Supervisor shall, *ex officio*, be a member and chairman; and as often as vacancies occur in the said Board by death or otherwise, such vacancies shall be filled by election in the case of any of those appointed by the Quebec Board of Trade or Ottawa Board of Lumber  
20 Manufacturers, and by new appointment in the case of Cullers forming part of the said Board of Examiners.”

Section 8 repealed.

The Board of Examiners to be appointed jointly by the Quebec Board of Trade, the Ottawa Board of Lumber Manufacturers and the Supervisor.

3. The second paragraph or sub-section of section seventeen, and the whole of section eighteen of the said Act are hereby repealed, and  
25 the following provisions are substituted therefor :—

Sec. 18 and part of sec. 17 repealed.

“ The merchant bringing lumber to market shall have the right to employ such licensed culler as he may think proper to measure such  
lumber, and, for that purpose, shall address a requisition to the Supervisor, and the Supervisor may dictate the number of men required to be  
30 employed under the direction of the culler so employed, for the expeditious culling of timber, masts, spars, deals, staves, or other description of lumber, so as to avoid unnecessary delay ; and if such assistance be refused, the Supervisor or Culler may employ the number required  
at the expense of the parties concerned.

Merchant to choose the Culler,—and Supervisor to dictate the number of assistants, and appoint them in case of need.

“ The Supervisor shall keep a record in his office of the several  
35 requisitions for the measuring or culling, each description of lumber, and of the time at which such requisitions are made ; and shall keep, in a conspicuous place in his office, a true and correct register of all the cullers in the service of his department, distinguishing between those employed and unemployed ; and the Supervisor shall, when required, send  
40 the culler specified in each requisition to do the measuring, culling, or counting therein required, in any place within the harbor of Quebec,

Supervisor to record requisitions for Cullers, and a list of Cullers; and send any Culler required as soon as he is disengaged.

within twelve business hours after such culler shall be on the unemployed list; and if there should be more than one requisition for the same culler, then he shall be first sent to the party who has made the first application; Provided always, that the Supervisor may recall every such culler at any time, if he deems it necessary."

Proviso:

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Section 28 repealed.

4. Section twenty-eight of the said Act is hereby repealed, and the following provisions substituted therefor:—

Board of Survey for deciding disputes between buyer and seller, or either of them and the culler.

"If any dispute arises between the first buyer or seller, or the person making the requisition, and the culler employed to cull or measure any article of lumber, with regard to the dimensions or quality thereof, the Supervisor or his deputy shall, upon a written complaint thereof being made demanding a survey, as soon as possible cause a Board of Survey to be held for examining the quality and dimensions of such lumber, and such Board shall, in reporting thereon, take into consideration the position of such lumber when measured or culled, and all other circumstances and considerations connected therewith.

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Survey to be demanded within a certain time.

2. But such survey must be demanded when the culling or measuring is completed, or within four lawful days after the party demanding the survey shall have been furnished with the specification thereof, and such right of survey shall cease on and after the fifteenth day of November in each year;

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Composition of Board of Survey.

3. The Board of Survey shall consist of the Supervisor of cullers, together with one person to be elected by the Quebec Board of Trade and another person to be elected by the Ottawa Board of Lumber Manufacturers, who shall both be practically acquainted with the Lumber Trade; and the determination of such Board of Survey, so constituted, shall be final and conclusive, and if the opinion and act of the culler be confirmed, the reasonable costs and charges of re-examination shall be paid by the party complaining, but if otherwise by the culler.

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Costs, — By whom to be paid.

4. The members of the Board of Survey elected by the Council of the Quebec Board of Trade, and by the Ottawa Board of Lumber Manufacturers, shall each receive an annual salary for his services of dollars to be paid out of the fees collected in the Supervisor's Office.

30

But with consent of all parties Supervisor may name a culler to act on such Board.

5. Provided that for the more ready settlement of disputes with the consent and at the request of buyer, seller and culler concerned, the Supervisor or his Deputy may name one culler to act as Surveyor; and if the Culler so named is not objected to by any of the parties interested, he shall act in the capacity of a Board of Survey, and his determination shall be final and conclusive."

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8 V. c. 49, s. 23.

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Sections 29, 30 and 31 repealed.

5. Sections twenty-nine, thirty, and thirty-one of the said Act are hereby repealed, and the following provisions substituted therefor:—

**CHARGES FOR CULLING AND MEASURING, &c.**

Fee for cutting, measuring, and counting.

"The rates hereinafter set forth in words and figures, shall be charged and collected by the Supervisor as the fees and charges for culling, measuring or counting off each description of lumber, and shall include all charges and expenses against such lumber, except in cases where extra labor for canting, dressing, butting, chopping and piling, is necessary and required:

45

*For Measuring off or Counting Lumber:*

- White Pines, Bass, or Butternut,* cents) per ton;
- Red Pine,* cents) per ton;
- Hardwood,* cents) per ton;
- Oars and Handspikes, counted off, per 100 pieces,* cents;
- Deals, counted off,* cents per hundred standard;—

*For Culling and Measuring in a Merchantable State, or Measuring in Shipping Order, or Counting off, where not herein otherwise provided for :*

	<i>White Pine</i> Timber		cents per ton ;
	<i>Red Pine</i> Timber,		cents per ton ;
	<i>Hardwood</i> Timber,		cents per ton ;
	<i>Deals</i> , per standard hundred		cents ;.
5	<i>Planks</i> , two inches and under, per hundred pieces,		cents ;
	<i>Standard Staves</i> , per mille,	dollar and	cents ;
	<i>West India Staves</i> , per mille,		cents ;
	<i>Barrel Staves</i> , per mille,	cents ;	
	<i>Oars</i> , per hundred pieces,	cents :	
10	<i>Handspikes</i> , per hundred pieces,	cents ;	
	<i>Spars</i> , from 12 to 19 inches each,	cents ;	
	<i>Masts and Bowsprits</i> , 19 to 24 inches, each,	cents ;	
	<i>Masts and Bowsprits</i> , 24 inches and upwards each,		cents ;
	<i>Lathwood</i> , per cord,	cents ;—	

15 And one-half of such rates for culling, measuring or counting, shall be paid by the buyer, and the other half by the seller ; but the whole of such fees and rates shall in all cases be paid to the Supervisor or his Deputy (on the delivery of the specification, or on the presentation of an account thereof) by the person, or by the persons jointly or severally, who shall have filed a requisition or order for such measuring, counting or culling.

20 Cullers employed by the Supervisor shall, in consideration of their labor and services, receive from the Supervisor the following portions of the fees charged and collected by him :

*For Lumber Measured off or Counted off.*

25	<i>White Pine, Bass or Butternut</i>	cents per ton.
	<i>Red Pine</i>	cents per ton.
	<i>Hard Wood</i>	cents per ton.
	<i>Oars and Handspikes</i> , counted off,	cents per hundred pieces ;
	<i>Deals</i> , counted off,	cents per hundred standard ;—

*For Culling and Measuring in a Merchantable State; or Measuring in Shipping Order, or Counting off, where not herein otherwise provided for:*

<i>White Pine, Bass, or Butternut,</i>	cents per ton ;	
<i>Red Pine,</i>	cents per ton ;	
<i>Hardwood,</i>	cents per ton ;	
<i>Deals, per standard hundred,</i>	cents;	
<i>Planks and Boards,</i>	cents per hundred pieces;	5.
<i>Standard Staves, per mille,</i>	dollar ;	
<i>West India Staves, per mille,</i>	cents ;	
<i>Barrel Staves, per mille,</i>	cents ;	
<i>Oars, per hundred pieces,</i>	cents ;	
<i>Handspikes, per hundred pieces,</i>	cents;	10
<i>Spars, from 12 to 19 inches each,</i>	cents ;	
<i>Masts and Bowsprits, 19 to 24 inches,</i>	cents ;	
<i>Masts and Bowsprits, 24 inches and upwards each,</i>	cents ;	
<i>Lathwood, per cord,</i>	cents ;	

**Proviso.** Provided always, that the Cullers shall pay their Attendants or Assistants out of the portion of fees above assigned to them." As- 15

**Section amended.** 33 **6.** Section thirty-three of the said Act is hereby amended by adding thereto the following words: "and the Supervisor shall also render to the Commissioner of Crown Lands all such statements and accounts connected with his office, as the Commissioner shall require from him." 20