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2nd Session, 3rd Parliament, 12 Victoria, 1849

BILL.

An Act to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, *An Act "to regulate the Culling and Measurement of Timber, Masts, Spars, Deals, Staves and other articles of a like nature, and to repeal a certain Act therein mentioned."*

Received and Read a first time, Monday, 26th
February, 1849.

Second Reading, Thursday, 1st March, 1849.

MR. LEMIEUX.

B I L L .

An Act to amend the Act passed in the eighth year of Her Majesty's Reign, chapter forty-nine, intituled, "*An Act to regulate the Culling and Measurement of Timber, Masts, Spars, Deals, Staves and other articles of a like nature, and to repeal a certain Act therein mentioned.*"

WHEREAS it hath been ascertained by Preamble
 experience that parties have been enabled to evade the penalties imposed by the Act passed in the eighth year of Her Majesty's Reign, intituled, "*An Act to regulate the Culling and Measurement of Timber, Masts, Spars, Deals, Staves and other articles of a like nature, and to repeal a certain Act therein mentioned,*" and it is expedient to amend Act 8 Vict., c 49, cited
 the said Act: Be it therefore enacted, &c.:

And it is hereby enacted by the authority of Sect. 22 and 24 of the said Act repealed.
 the same, That the twenty-second and twenty-fourth sections of the said Act shall be and they are hereby respectively repealed.

15 **II.** And be it enacted, That any Culler Culler not employed by the Supervisor may hire as a shipping Culler what he may do as such shipping Culler
 licensed under the said Act, and not employed by the Supervisor, may engage or hire to merchants or others as a Shipping Culler; but such Culler shall in no case cull,
 20 sort, measure, stamp or mark any description of Lumber before the same shall have been first culled or measured by some licensed Culler other than himself, under the direction of the Supervisor, except by the written
 25 permission of the Supervisor, and in accordance with the same rules and on the same terms by which Cullers acting under the

Penalty for
contravention
by such Cull-
ler.

Penalty for
contravention
by a person
not licenced

What shall be
deemed cul-
ling, &c.

What shall be
evidence of
intention to
ship, &c.

Supervisor, are bound according to the said Act, and also on condition of keeping a record of all his operations, returns of which shall be made monthly to the Supervisor; and any Culler so hired and engaged, offend- 5
ing against the provisions of the said Act or of this Act, shall, on being duly convicted thereof before any Court having competent jurisdiction, forfeit and pay a sum not exceeding *one hundred pounds* currency, or 10
be imprisoned for a term not exceeding six calendar months, in the discretion of the Court, for each such offence; and any person not duly licenced as a Culler, who shall cull, sort, measure, mark or stamp any article 15
of Lumber, the same being shipped, or intended to be shipped for exportation by sea by or upon such culling, sorting, measuring, marking or stamping, or who shall do or perform, in respect of any such article of Lum- 20
ber, any other act or thing constituting an essential part or portion of the operation of culling, sorting or measuring Lumber, with intent to evade or elude the provisions of the aforesaid Act or of this Act, shall, on being 25
duly convicted thereof in a summary manner before any Justice of the Peace of the District in which the offence shall be committed or the party so offending shall be found, forfeit and pay a sum not exceeding *twenty* 30
pounds, and not less than *five pounds*, or be imprisoned in the common gaol for a term not exceeding two calendar months, at the discretion of the said Justice, for each such offence; and any culling, sorting or separat- 35
ing any article of Lumber into particular dimensions, descriptions or qualities, or any mark, score, letter, figure or sign made with chalk or otherwise, or in any other manner or way whatsoever in or upon any such arti- 40
cle of Lumber, shall be deemed and taken to be a culling, sorting, measuring, marking or stamping, as the case may be, within the intent and meaning of this section; and proof of such Lumber having been placed alongside 45
or taken on board of any sea-going ship or

vessel, shall be deemed sufficient evidence of such illegal shipping or intention to ship for exportation by sea; and any Culler employed by the Supervisor, who shall privily and
 5 without the knowledge and consent of the Supervisor, or for any hire or gain, and without the same being duly entered on the books of the Supervisor, cull, sort, measure, mark or stamp any article of Lumber, shall,
 10 on being duly convicted thereof before any court of competent jurisdiction, forfeit and pay a sum not exceeding *one hundred pounds* currency, or be imprisoned for a term not exceeding six calendar months, in the dis-
 15 cretion of the Court, for each such offence; and the penalties imposed by this section shall be sued for, paid and accounted for under and subject to the provisions of the
 20 thirty-second section of the said first mentioned Act, except in so far as it is otherwise herein provided.

Penalty on Culler acting as such without the knowledge of the Supervisor.

Penalties how recoverable.

III. And be it enacted, That nothing contained in the said Act, or in this Act shall be held or construed to make it compulsory for
 25 any article of Lumber to be culled, measured, counted, marked or stamped, under the provisions of the said Act, or of this Act, provided such Lumber be shipped for exportation by sea for account (in good faith,) of
 30 the actual and *bonâ fide* producer or manufacturer thereof, and provided that before the vessel on board of which such Lumber may have been shipped shall obtain her clearance at the Custom House, an affidavit or affirma-
 35 tion in writing, be made by the shipper or his agent before the collector or comptroller at the Port of shipment, (either of whom is hereby authorised to receive the same,) that such Lumber has been so shipped for account,
 40 in good faith, of such shipper, and that he is the actual *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
 45 parties,) by a licensed Culler, under the con-

Lumber shipped on account of the producer need not be culled, &c

Affidavit required.

All other Lumber must be culled.

Penalty for
contravention | trol and superintendence of the said Supervisor, under a penalty of the market value of any article of Lumber so illegally shipped, and such penalty shall be recoverable before any Court of competent jurisdiction from the owner or owners, shipper or shippers, or from the proprietor or proprietors, lessee or lessees of the premises from which such Lumber shall have been so illegally shipped, and proof of the fact of Lumber having been placed alongside, or taken on board of any sea-going ship or vessel, shall be deemed sufficient evidence of such illegal shipping of exportation by sea; and proof of the measuring, culling or counting of such Lumber, in pursuance of the provisions of this Act, shall fall upon the party charged with such illegal shipping, and the market value of any article of Lumber so illegally 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, or by other legal evidence of such value; Provided always, that the provisions of this Act shall not extend, or be construed to extend, to any place below the eastern end of the Island of Orleans.

False swearing,
&c to be
perjury.

IV. And be it enacted, That any false affidavit or affirmation made under the provisions of the foregoing section shall subject the party making it to all the pains and penalties of wilful and corrupt perjury.