

1st SESS. 1st PARLIAMENT, 3rd & 4th VICTORIA, 1841.

BILL.

AN ACT to Regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of Quebec and Montreal, and for other purposes relative to the same.

TO WHICH IS PREFIXED

THE

REPORT OF THE SELECT COMMITTEE THEREON.

PRINTED BY ORDER OF THE HONOURABLE THE LEGISLATIVE COUNCIL.

KINGSTON:

R. STANTON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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REPORT.

LEGISLATIVE COUNCIL, COMMITTEE ROOM,
September 16th, 1841.

THE SELECT COMMITTEE to whom was referred the Bill from the Legislative Assembly, intituled, "An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves and other Articles of a like nature, in the Ports of Quebec and Montreal, and for other purposes relative to the same," beg leave to report:—

That upon examining the Bill submitted to them at the very close of the Session, after its having been upwards of two months under consideration in the other Branch of the Legislature, your Committee find that the provisions of the Bill are of a nature to influence and affect several important interests, those of the Lumbermen, the Cullers, the Shipping Merchant, the Shipowner, and the whole export Lumber Trade

Your Committee, under these circumstances, and until further information can be had from parties most interested, recommend to your Honourable House, that no further proceedings be had in reference to this Bill for the present Session, and that in the mean while one hundred and fifty copies of the Bill, as sent up to this House, be printed for the use of the Members.

The whole nevertheless humbly submitted.

(Signed) JOHN MACAULAY,
CHAIRMAN.

BILL.

AN ACT to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of Quebec and Montreal, and for other purposes relative to the same.

WHEREAS the several Acts of the Legislature of the late Province of Lower Canada, by which the Lumber Trade of that part of the Province was regulated, have expired: *And whereas* it is expedient and necessary to make Legislative provision for the regulation of the measurement and culling of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of Quebec and Montreal, and for other matters concerning the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;*" and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Governor, Lieutenant Governor, or the Person Administering the Government of the Province of Canada, for the time being, by a Commission under

Preamble.

The Governor,
&c. may appoint
a Supervisor of
Cullers;

his Hand and Seal, to constitute and appoint a fit and proper person, well skilled and practically acquainted with the timber trade of this Province, as Supervisor of Cullers, whose duty it shall be to manage, supervise and control, the culling, measuring and examination, of every description of lumber as hereinafter described; and who shall hold his office during pleasure; and shall himself, with two other responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of three thousand pounds currency, for the faithful discharge of his duty; and shall, before entering on the duties of his office, take and subscribe the following oath, before any of Her Majesty's Justices of the Queen's Bench, that is to say:—

Supervisor to give security for the due performance of his duties, and to be sworn.

Oath to be taken by the Supervisor.

“ I, A. B. do solemnly swear, that I will faithfully, truly and impartially, to the best of my skill and understanding, execute, do and perform, the office and duty of Supervisor of Cullers, according to the true intent and meaning of the Act, intituled, ‘*An Act to Regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of Quebec and Montreal, and for other purposes relative to the same*’; That I will not either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office as Supervisor, except such as are allowed to me by the said Act; and that I will not, directly or indi-

“rectly, be a dealer in, or interested in the buying or selling of any article of lumber, either on my own account, or on account of any other person or persons whatsoever; and that I will act without partiality, favour or affection, and to the best of my knowledge.—*So help me God.*”

Which oath and bond shall be filed and kept among the records of the office of the Registrar of this Province.

II. *And be it enacted*, That it shall and may be lawful for 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 to examine and test the skill and qualifications of all applicants to be admitted and commissioned as Cullers; and such Board shall meet from time to time, as circumstances may require, at the office of the Board of Trade, or of the Supervisor, to test the skill, capacity and qualification of such applicants; and such Board of Examiners shall meet at the office of the Supervisor, or Board of Trade room, to wit: on the first Mondays of January and May in each year, to examine and test the skill, capacity and qualifications of all applicants for licences as Cullers, and each member of the said Board, before acting as such, shall take the following oath, (to be administered by a Justice of the Peace for the said City of Quebec) that is to say:

“I, A. B., do solemnly swear, that I will not, directly or indirectly, personally or by means of any other person or persons on my behalf, re-

Quebec Board of Trade to appoint a Board for the examination of Cullers;

Times and places at which the Board shall meet;

Each member to be sworn.

“ receive any fees, reward or gratuity whatever, by reason of any function of my office as Examiner of Cullers; and that I will act without partiality, favour or affection, and to the best of my knowledge.—*So help me God.*”

Persons recommended for licences as Cullers, must be duly qualified.

III. *And be it enacted*, That no person shall be recommended to be commissioned as a Culler, except he is in every way capable, as to his knowledge, education, age and character, and practically acquainted with one or more of the departments of culling and measuring for which he applies to be licenced.

The business of culling to be divided into four departments;

The departments defined.

IV. *And be it enacted*, That the duties of inspection and measurement shall be divided into four different departments, that is to say: one department for the measurement and inspection of square timber; one department for the inspection and measurement of Masts, Spars, Bowsprits, Oars and Handspikes; one department for the inspection and measurement of Staves; and one department for the inspection and measurement of Deals, Boards, Planks and Lathwood.

The Governor, &c. may licence any duly qualified applicant on

his producing a certificate from the Board of examiners;

Persons so licenced to give security, and to take an oath of office.

V. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to licence all duly qualified applicants as Cullers and Measurers, for any one or more of the departments aforesaid: *Provided always*, that such applicant shall produce a certificate of his fitness and qualification from the Board of Examiners; and such certificate shall be filed in the Provincial Secretary's Office: and *Provided also*, that such appli-

cant shall himself, with two other sufficient sureties, enter into bond in the sum of three hundred pounds currency, for the faithful discharge of his duties, (which bond shall be taken before the Chairman of the Board of Trade, if there be one, if not before the Mayor of the City,) and shall also, before any of the Justices of the Queen's Bench, take and subscribe the following oath, that is to say:

"I, A. B. do solemnly swear, that I will faithfully, truly and impartially, to the best of my skill and understanding, execute, do and perform, the duty of a Culler and Measurer of—(Here insert the description of the lumber of which he is to be a Culler and Measurer) according to the true intent and meaning of an Act, intituled, '*An Act to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of Quebec and Montreal, and for other purposes relative to the same*;' and that I will give a true and faithful account and certificate of the number, quality and dimensions or measurement, of the lumber of which I am commissioned to be a Culler, which may be submitted to my judgment and inspection, according to the best of my knowledge; and that I will not directly or indirectly be a dealer in, or interested in the buying or selling of any article of lumber, either on my own account, or on account of any other person or persons whatsoever; and that I will not at any

The oath;

“time purloin, or wilfully change any article of
 “lumber submitted to me for the purpose of being
 “measured or culled—*So help me God.*” Which
 oath every such person shall file or cause to be
 filed in the office of the Town Clerk of the City
 of Quebec or Montreal; and it shall be the duty
 of such Town Clerk, and he is hereby required,
 to grant a certificate under his Hand and Seal of
 Office, to every such person, of his having filed
 the same in his office, in conformity to this Act;
 for which certificate the Town Clerk shall not
 ask or receive more than two shillings and six
 pence currency; and for drawing the bond and
 filing the certificate of the Board of Examiners in
 his office, and for the Commission of any Culler,
 the said Town Clerk shall not ask or receive more
 than two shillings currency.

The oath to be
 subscribed:

Fees to the Town
 Clerk.

Supervisor of
 Cullers to keep
 an office at
 Quebec;

His duties and
 hours of atten-
 dance.

VI. *And be it enacted*, That it shall be the duty
 of the said Supervisor of Cullers, to open an office
 in a central and convenient place at the Port of
 Quebec, for the transaction of his duties, which
 office shall be kept open by him or his Deputy, on
 all lawful days from daylight until dark, and the
 said Supervisor shall employ such number of Cul-
 lers as may be necessary to do the work required
 in the different departments of Culling and Mea-
 suring; and the duty of such Cullers in each
 department shall be performed by them in rota-
 tion; and the Supervisor shall have authority to
 dictate the number of men required to be em-
 ployed under the direction of the Cullers, for the
 expeditious Culling of Timber, Deals, Staves,

and every other description of Lumber; to avoid unnecessary delay.

VII. *And be it enacted*, That all holders of measuring tapes, and scribes of timber shall, before entering on their duties as such, take and subscribe before some one of Her Majesty's Justices of the Peace, the following oath, that is to say:

"I, A. B. do solemnly swear, that I will in all cases, give and mark the true measurement of every description of lumber on which I may be employed as holder of tape or scribe of timber; and that I will act without favour or affection—*So help me God.*" Which oath shall be filed in the office of the Supervisor; *Provided always* that persons so employed, shall in all cases, when practicable, be apprentices or candidates for becoming Cullers and Measurers.

VIII. *and be it enacted*, That it shall be the duty of every Culler to check and examine his measurement and counting, and to sign the specification thereof; (such specification to be entered, checked and examined, in the office of the Supervisor, and counter-signed by him or his Deputy,) and to furnish a copy of such bill to the owner of the property within twenty-four hours after the measuring or culling of any lumber is completed, if called for.

IX. *And be it enacted*, That it shall be the duty of the Supervisor to record the several applications for measuring or culling every description of

Measurers and Scribes of Timber to be sworn;

Their oath;

Oath to be enregistered.

Accounts of measurement, &c. to be checked by the Culler, and again in the office of the Supervisor

Applications for culling to be registered by the Supervisor, and attended to in rotation.

lumber, when applied to, so to do: and that the culling or measuring of the same shall be performed in rotation of registration; and that the Supervisor shall, within twelve business hours after such registry, send a Culler to do the measuring, culling or counting, so required, in any place within the harbour of Quebec: *Provided* the said Supervisor of Cullers has, at the time required, Cullers unemployed or attainable.

X. *And be it enacted*, That it shall be the duty of every Culler to provide himself with a measuring rod and tape, which shall in all cases be English measure; and also with a scribing knife, to mark in legible characters the length, breadth and thickness of all lumber measured and inspected by him; and it shall also be the duty of every Culler to provide himself with a proper stamp, with the initials of his name in legible characters, and with the additional capital letters of M. U. and R., wherewith to stamp or indent on the end of each piece of Timber, Mast, Spar, Deal, Stave, Oar and Handspike, the quality thereof, when requested by the seller and the buyer so to do; and the letter M. shall indicate and denote what is merchantable; the letter U. shall indicate and denote what what is sound and of good quality, but of under merchantable size; and the letter R. shall indicate and denote what is rejected and unmerchantable.

Each Culler to provide himself with a measuring rod and tape, English measure;

And with a scribing knife and stamp;

The marks to be used, and their signification.

Rules to be observed in culling.

XI. *And be it enacted*, That in all cases the Supervisor and Cullers respectively, shall be governed by the following descriptions, rules, standards and limitations, in ascertaining and

certifying the merchantable quality of lumber submitted to their inspection, that is to say:—

Square White Oak Timber shall not be less than Merchantable Oak;

twenty feet in length, and not less than ten inches in the middle, and the taper shall not be more than two inches in any length under thirty feet, nor more than three inches for any greater length, and shall be free from rot, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in

length; Square Rock Elm shall not be less than Merchantable Rock Elm;

thirty feet in length, nor less than eleven inches in the middle, and the taper shall not be more than two inches in any length under thirty-two feet, nor more than three inches for any greater length, free from rot, rings and shakes, and other defects, and shall be properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every thirty feet in length, and which bend or twist shall not be more than four inches hollow for every forty feet in length; Square White or Yellow Pine

Timber shall not be less than twenty feet in Merchantable White or Yellow Pine;

length, and not less than twelve inches square in the middle, and the taper shall not be more than two inches under thirty feet, nor more than four inches for any greater length, and shall be free from rot, bad knots, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist

Merchantable
Red Pine.

in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length, including any not less than fifteen feet in length, and not less than sixteen inches square; Red Pine Square Timber shall not be less than twenty-five feet in length, nor less than ten inches square in the middle, and the taper shall not be more than two inches in any length under twenty-five feet, nor more than four inches in any greater length, and shall be free from rot, bad knots, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length; Ash, Basswood and Butternut, shall be of the same standard, quality and dimensions, as White Pine; Pine or Fir Boards shall not be less than ten feet in length, and not less than one inch in thickness, and not less than eight inches in breadth, equally broad from end to end, edged by a saw, or neatly trimmed by straight line, free from rot, sap, stains, bad knots, rents and shakes, and of equal thickness on both edges from end to end, but the colour alone of any deal, plank or board, shall not be a sufficient cause for their rejection, if they be in other respects sound and merchantable, and of the dimensions required by this Act; Pine or Fir Deals shall not be less than twelve feet in length, and not less than two and a half inches in thickness, and seven, nine or eleven inches in breadth, (the proportion of seven inch deals not to exceed

Merchantable
Ash, Basswood
and Butternut;

Merchantable
Pine or Fir
Boards;

Colour alone not
to be a ground
for rejection;

Merchantable
Pine or Fir
Deals;

one-sixteenth part of the whole,) and shall be free from rot, rotten knots, black knots, and case knots, shakes and splits, and shall be well sawn, but the colour alone of such deals, planks and boards, shall be no objection to their being considered of merchantable quality; Pipe Staves shall not be less than five feet six inches in length, and five inches in breadth at the narrowest part, free from sap, and not less than one and a half inch thick; and the Staves commonly called Standard Pipe Staves, (by which the price of all other kinds of staves, except West India and heading, are commonly regulated,) shall be of the length and breadth aforesaid, and one and a half inch thick at the thinnest part, and on all thicker Pipe Staves, one-fifth of the price of the Standard Staves shall be allowed for each additional half inch in thickness; and Pipe Staves of five feet six inches in length, and five inches in breadth at the narrowest part, and one inch thick, shall be reckoned at two-thirds of the price of Standard Staves; and all Staves of four feet six inches in length, and five inches in breadth at the narrowest part, (if they be one inch thick) shall be reckoned at one-half the price of Standard Staves; if they be one inch and a half thick, at seven-tenths of such price; if they be two inches thick, at eight-tenths of such price; if they be two inches and a half thick, at nine-tenths of such price; and if they be three inches thick, at the same price as Standard Staves; Hogshead Staves shall be four feet six inches long, and four and a half inches

Colour alone not to be a ground of rejection;

Merchantable Pipe Staves;

Standard Pipe Staves;

Staves of other thicknesses, how to be estimated;

Hogshead Staves,

broad, exclusive of sap, and not less than one inch thick at the thinnest part, and shall be reckoned at two-thirds of the price of Pipe

Puncheon Staves; Staves of corresponding thickness; Puncheon Staves shall be three and a half feet long, and four inches broad, exclusive of sap, and not less than one inch in thickness at the thinnest part, and shall be reckoned at one-half the price of Pipe

Heading; Staves of corresponding thickness: Heading shall be two and a half feet long, five inches and a half broad, or upwards, exclusive of sap, not less than one inch thick at the thinnest part, and shall be reckoned at one-half the price of Pipe

Tierce Staves; Staves of corresponding thickness; Tierce Staves shall be two feet eight inches long, three and a half inches broad, and not less than three-quarters of an inch thick, and shall be reckoned at one-third the price of Pipe

West India dressed Puncheon Staves; Staves of corresponding thickness; West India Dressed Puncheon Staves shall be three and a half feet in length, four inches broad, and three-fourths of an inch thick, and dressed;

Dressed Heading; Heading shall be two and a half feet long, five and a half inches broad, and three fourths of an inch thick, and shall be reckoned at the same price as Puncheon Staves;

West India dressed Hogshead Staves; West India Dressed Hogshead Staves shall be three and a half feet long, three inches broad, and three-fourths of an inch thick, and shall be reckoned at two-thirds of the price of West India Dressed Puncheon Staves: and whenever there shall be no specific agreement to the contrary, between the buyer and seller, four-fifths at least of the whole number

What shall be understood by "Staves," when there is no more specific agreement.

of Staves sold or contracted for, shall be Staves of five feet and a half long, and not more than one-third of the remaining fifth of such number shall be Heading; and all these descriptions of Staves respectively, shall be of clear White Oak, straight timber, properly split, with straight edges, free from worm holes, knots, veins, rents, shakes and splinters; and the Culler shall always measure their length, breadth and thickness, at the shortest, narrowest and thinnest parts; Masts and Spars shall be three feet in length for every inch in diameter at the partners, and shall be sound, and six feet of extreme length of all Masts of twenty-two inches and under that size, and not more than four inches hollow, free from bad knots, rents and shakes; Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length, sound and free from defects, with two inches hollow on the inside; Hickory Handspikes shall be six feet long, and three and a half inches square at the smaller end; Ash Oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, which shall be cleft straight on all sides, and free from rot, large knots, splits and shakes; Lath Wood shall be cut in lengths of four or six feet, and measured by the Cord of eight feet in length, and four feet in height.

Staves to be of oak, and of a certain quality.

Measurement to be at the smallest part.

Dimensions of Masts and Spars.

Bowsprits.

Hickory Handspikes.

Ash Oars.

Lath Wood.

XII. *And be it enacted*, That in all cases where it shall appear, that Timber, Masts, Spars, Boards,

Timber, Masts, &c. not properly squared, butted or edged, to be

re-dressed, before being marked as merchantable.

Planks, Deals, Staves, Oars, and any other description of lumber, are not properly squared, butted or edged, the same being merchantable in other respects, and sold as such, it shall be the duty of the Supervisor and Culler, respectively, and they are hereby severally authorised and required to order or cause such lumber to be properly dressed and chopped, at the expense of the seller, previously to their being respectively received and certified to be merchantable; and in measuring off squared timber in the raft or otherwise, it shall be the duty of the Culler and the Measurer, to take the square at such part of the piece, and in such manner, as in his opinion shall give the truest medium and full cubic contents thereof, without reference to what it may contain or measure, when re-dressed and made merchantable; *Provided always* such piece of timber, or part thereof, so measured off, be visibly sound and of use; it shall also be lawful for the Supervisor, and Cullers under him, to mark and make merchantable qualities, and second qualities and culls, of the articles of deals, planks and boards; and the letter S stamped or indented thereon, shall indicate and denote second quality.

Mode of measuring Timber.

Deals, &c., &c., may be marked as of second quality.

Fees to be charged for culling and measuring.

Extra charges.

XIII. *And be it enacted*, That the following rates shall be charged and collected by the Supervisor, as the tariff of fees and charges, for culling and measuring each description of lumber, which tariff shall include all charges and expenses against such lumber, except in cases where extra labour for dressing, butting, chopping and piling, is necessary and required, that is to say: for culling pine

or fir boards, not more than one and a half inch Pine or fir boards.
 thick, and not more than eleven feet long—one
 shilling currency, for every hundred pieces there-
 of; for pine or fir plank, one and a half and two Pine or fir plank.
 inches thick, and not more than eleven feet long—
 one shilling and three pence currency, for every
 hundred pieces thereof; for pine or fir boards of Pine or fir boards
of extra length.
 any greater length than eleven feet, and not ex-
 ceeding one and a half inch thick—one shilling
 and six pence currency, for every hundred pieces
 thereof; for pine or fir plank of any greater length Pine or fir plank
of extra length.
 than eleven feet, and not exceeding two inches in
 thickness—two shillings currency, for every hun-
 dred pieces thereof; for pine or fir deals of twelve Pine or fir deals.
 feet long, and not over three inches in thickness—
 three shillings currency, for every hundred pieces
 thereof.

TIMBER MEASURED OFF:

	s.	d.	
White Pine, Bass or Butternut...	0	2	per ton.
Red Pine.....	0	3	do.
Hard-wood.....	0	3	do.

FOR CULLING AND MEASURING:

White Pine Timber.....	0	6	do.
Red Pine do.....	0	7	do.
Hard-wood do.....	0	8	do.
Deals, per standard hundred.....	4	0	do.
Standard Staves, per Mille.....	12	6	do.
West India do. do.....	6	6	do.
Barrel do. do.....	4	0	do.
Oars and Handspikes, per hundred pieces.....	4	0	do.

	s.	d.	
Spars from 15 to 20 inches.....	2	0	each.
Masts and Bowsprits, from 19 to 24 inches	2	6	do.
Do. of 24 inches and upwards ...	3	6	do.

On unmerchant-
able articles.

To whom paid.

And the proportion of one-half of the said rates shall be paid on all such articles of lumber as shall be measured and rejected as unmerchantable; and such rates for culling and measuring, shall in all cases be paid to the Supervisor on the delivery of the specification; and one half of such rates shall be paid by the buyer, and the other half by the seller.

Measurement
books, &c., to be
open to buyers
and sellers.

XIV. *And be it enacted*, That the measurement books, and other public records of the office of the Supervisor, shall be open to the perusal of the seller and buyer of lumber, in reference to the transaction between them, and of any other party interested therein.

Supervisor may
procure an office
and the necessary
stationery, &c.

XV. *And be it enacted*, That it shall and may be lawful for the Supervisor of Cullers, to procure an office, the necessary office furniture, books, stationery, and other indispensable requisites; all of which, and every record and voucher appertaining to his office, shall be public property.

And employ a
sufficient number
of assistants.

And also to employ such number of Clerks, and Assistant Measurers as may be necessary to perform the public duties of his office; all which charges and expenses, together with Cullers' salaries, shall be paid out of the amount of fees collected by him, at the rates aforesaid: *Provided always*, that such charges, expenses and services,

And pay the ex-
penses out of the
fees collected by
him.

are made, done, performed, and procured by him at their lowest current value. It shall also be the duty of the Supervisor of Cullers, on the first day of January, in each and every year, under oath, (to be administered by any of Her Majesty's Justices of the Peace) to render in detail to the Governor, and to the Legislature, if then sitting, and if not, at its then next meeting, a correct statement of his receipts and disbursements during the year then last past, together with an inventory of such articles of public property as he shall then have in his possession; and an abstract of the number of pieces, and number of cubic feet, of each description of lumber, and the section of the Province wherefrom it came.

He shall render an account yearly to the Governor and Legislature.

XVI. *And be it enacted,* That it shall and may be lawful for the Supervisor of Cullers to receive and take out of the funds coming into his hands, the sum of Five Hundred Pounds currency, as an annual salary for his services, exclusive of all the expense of his office; it shall also be the duty of the Supervisor of Cullers to pay into the Montreal Bank, in Quebec, on or before the first day of January in each year, the surplus funds, (if any) which shall remain in his hands, after the payment and discharge of his said salary and the expenses of his office; which fund shall be disposed of and applied as may hereafter be found necessary and expedient, exclusively for this Act.

Salary of the Supervisor.

Surplus how to be disposed of.

XVII. *And be it enacted,* That all Cullers employed by the Supervisor shall, in consideration

Salary of Cullers.

of their services, receive from the Supervisor the following proportion of the fees charged by the Supervisor, that is to say:—for the culling and measuring of Timber, Deals and Staves, and other lumber, two-thirds the amount of the fees established by this Act; and for measuring of every description of timber, the one-half of the amount of the fees established by this Act. It shall be the duty of all Cullers to obey the lawful commands of the Supervisor; and they shall respectively hold themselves in readiness, on all lawful days, to execute the duties of their office from day-light till dark; and for every neglect, refusal or delay, when not otherwise employed about the duties of his office, the Culler so refusing, neglecting or delaying, shall respectively forfeit and pay the sum of twenty-five pounds currency, to the use of the person or persons injured by such neglect, or refusal or delay; and any Culler guilty of impropriety of conduct, or disobedience of orders, shall be discharged by the Supervisor.

Hours of attendance at their duty.

Penalty on any Culler neglecting his duty.

On any Culler guilty of improper conduct.

Cullers commissioned and not employed by the Supervisor may be employed as shipping Cullers.

Their power in that case.

Penalty on Cullers so engaged contravening this Act.

XVIII. *And be it enacted*, That Cullers commissioned under this Act, and not employed by the Supervisor, may be engaged or hired to Merchants or others, as shipping Cullers; but such Culler or Cullers shall in no case measure, mark or stamp, any description of lumber before the same shall have been first measured by a commissioned Culler, under the direction of the Supervisor; and any Culler, so hired or engaged, offending against the provisions of this Act shall, on being duly convicted thereof, before any Court having competent

jurisdiction, forfeit and pay a sum not exceeding fifty pounds currency, or be imprisoned for six calendar months, for every such offence; and any person not commissioned as a Culler who shall, within the Port of Quebec, or of Montreal, measure, mark or stamp, any article of lumber, shall, upon being duly convicted thereof before any Court having competent jurisdiction, forfeit and pay a sum not exceeding fifty pounds currency, or be imprisoned for a term not exceeding three calendar months, for every such offence; and any Culler employed under the Supervisor, who shall privily, and without the knowledge or consent of the Supervisor, or for any hire or gain, and without the same being duly entered on the books of the Supervisor, measure, mark or stamp, any article of lumber, shall, on being duly convicted of the same before any Court of competent jurisdiction, forfeit and pay a sum not exceeding one hundred pounds currency, or be imprisoned for a term not more than six calendar months, for every such offence.

Penalty on persons not being Cullers stamping, &c. articles of lumber.

Penalty on Cullers employed by Supervisor acting without his knowledge.

XIX. And be it enacted, That if any dispute shall arise between the buyer or seller, and the Culler and Measurer of any article of lumber, with regard to the dimensions or quality thereof, it shall be the duty of the Supervisor, as soon as possible, to examine the quality and dimensions of the same, and report thereon, and his determination shall be final and conclusive; and if the opinion and act of the Culler and Measurer be thereby confirmed, the reasonable costs and

Disputes between Cullers and the parties interested, how to be settled.

Costs.

charges of re-examination shall be paid by the party complaining, but if otherwise, by the Culler and Measurer.

No Supervisor or Culler to deal directly or indirectly in lumber.

XX. *And be it enacted*, That it shall not be lawful for the Supervisor, or for any Culler or Callers, to buy or sell, directly or indirectly, or be a dealer in, or interested in the buying or selling of any article of lumber, either on his own account, or on account of any other person whomsoever, under a penalty for each and every offence, not exceeding five hundred pounds currency, nor less than three hundred pounds currency, and the forfeiture of his or their office.

Penalty.

Penalty on persons fraudulently counterfeiting, altering or effacing any Cullers mark.

XXI. *And be it enacted*, That if any person or persons shall unlawfully use, or shall counterfeit or forge, or procure to be counterfeited or forged, any stamp, directed to be provided for use, in pursuance of this Act, or shall counterfeit or imitate the impression of the same, on any article of lumber, or shall knowingly, wilfully and fraudulently, deface, obliterate or remove, any of the marks or letters, which may have been marked, burned or imprinted, in or upon any article of lumber, after the same shall have been as aforesaid culled and measured, every such person or persons so offending, shall, upon being thereof lawfully convicted, before any Court of competent jurisdiction, incur a forfeiture and penalty of not exceeding one hundred pounds currency, or imprisonment for a term not more than three calendar months: *Provided always*, that timber re-dressed, whereby the first measurement

Proviso.

and dimensions shall necessarily become altered, may be re-measured according to the provisions of this Act, by a shipping Culler.

XXII. *And be it enacted,* That if the Supervisor of Cullers, or any commissioned Culler, or any Clerk or assistant Measurer, shall at any time be found guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account or certificate of the article or articles of lumber, submitted to his or their inspection, measurement or calculation, or of any other wilful neglect of, or prevarication with regard to the duty they are respectively intended to discharge, he shall, for every such offence (being convicted thereof as aforesaid) forfeit and pay a sum not exceeding one hundred pounds currency, nor less than fifty pounds currency, and be dismissed from his office, and be for ever after incapable of holding or enjoying any such office, situation or employment.

Penalty on any Supervisor, Culler, &c. guilty of wilful and fraudulent neglect of duty.

XXIII. *And be it enacted,* That if any person or persons, shall wilfully and unlawfully, (with the intention to set adrift) unmoor, by cutting or otherwise, any timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux or scows; or shall wilfully and unlawfully, conceal any timber, masts, spars, staves, oars, handspikes, plank or boards, boats, bateaux or scows, which having been adrift in the River St. Lawrence, or the River Ottawa, River Trent, or any River falling into either of them, shall be so found adrift,

Penalty on persons, setting timber, &c. adrift.

Or concealing it, if found adrift.

Or defacing
marks on it.

The penalty.

or cast on shore in any part of the said Rivers, or any of them, and be saved; or shall wilfully and unlawfully, deface any mark or number on such timber, masts, spars, staves, oars, handspikes, planks or boards, boats, bateaux or scows, so saved, or make any false or counterfeit mark thereon, or shall unlawfully aid or assist in doing any such act as aforesaid, such person or persons, being duly convicted thereof, on the oath and complaint of one or more credible person or persons, before any two Justices of the Peace for any part of this Province, shall forfeit and pay a sum not exceeding ten pounds currency, nor less than two pounds currency, for each offence; and one moiety of such penalty shall go to Her Majesty, and the other moiety to the informer, (if any there be,) and the offender shall and may be imprisoned until such forfeiture be paid; but no such imprisonment shall for any first offence exceed one month; and if any person shall be a second time convicted of any such offence, such person may be committed to the Common Gaol of the District wherein such conviction shall be had, there to remain for and during the space of six months.

Rafts on navigable rivers, must have bright fires on them in the night.

XXIV. *And be it enacted,* That it shall be imperative on the owners or conductors of rafts, to have bright fires kept burning during the night, while afloat on any of the navigable Rivers aforesaid, on pain of being subject to pay a penalty of a sum not exceeding twenty pounds

currency, upon conviction before any of Her Majesty's Justices of the Peace.

XXV. *And be it enacted*, That it shall and may be lawful for the Chairman of the Board of Trade, and Board of Examiners together, to increase or diminish the tariff of fees and charges for culling and measuring established by this Act, in such manner as to meet and defray as nearly as possible, the expense of the Supervisor's Office, and the payment of the Cullers, in the Ports of Quebec and Montreal respectively, employed by and under his authority, according with the true intent and meaning of this Act.

The Governor &c. may alter the tariff of fees, so as to make the receipts cover the expenses as nearly as possible.

XXVI.—*And be it enacted*, That in the event of the departure from the Province, or the declared or known insufficiency, or the death of any of the sureties of the Supervisor or Cullers respectively, it shall be the duty of each respectively, immediately to procure other sufficient sureties, and to enter into bonds as provided for in this Act, or their appointment or commissions shall become null and void.

New sureties to be found by Supervisor and Cullers in certain cases.

XXVII.—*And be it enacted*, That all the penalties, fines, and forfeitures by this Act imposed, shall be sued for (except where otherwise provided for) either in term time, before any of Her Majesty's superior Courts of Record, or before any other competent Court for the District wherein any of the offences herein before mentioned shall have been committed, or in vacation before any of the Justices of the said Court, in a

Fines, penalties &c. imposed by this Act, how recoverable.

summary manner, within twelve months after the fact committed, and not afterwards; and shall also be recoverable, with costs, in the same manner as other debts of the same value are recoverable in this Province, by bill, suit, plaint, or information; and one moiety of all such penalties, fines, and forfeitures, (except such as are herein before otherwise applied) shall be paid into the hands of the Receiver General, and remain at the disposal of the Provincial Legislature, for the public uses of the Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as Her Majesty, Her Heirs and Successors shall direct; and the other moiety shall belong to the informer, or person who shall prosecute or sue for the same.

Application.

Limitation of time for bringing suits for things done under this Act.

General issue.

XXVIII.—*And be it enacted*, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, such suit or action shall be commenced within the space of twelve calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants in such action or suit 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 shall appear so to have been done, then the Court shall find for the defendant or defendants; and if the plaintiff shall be

non-suited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Defendants to
have treble costs
if successful.

XXIX. *And be it enacted,* That unless there is a specific agreement to the contrary, timber shall be measured off without any allowance or deduction, and afterwards that a certain portion of the said timber, that is to say: ten per cent thereof, shall be broken up and made sound, and that a deduction on the residue of the said timber shall be made in proportion to the loss ascertained in that portion broken up and made sound, and the expense of making it sound shall be paid by the seller; a copy of every agreement upon the sale of every description of lumber mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the Supervisor of Cullers, at the same time that an application is made to the said Supervisor for a Culler to measure and cull any of the said lumber, for the guidance of the said Culler in the performance of his duty, provided there is nothing therein contrary to the true intent and clear meaning of this Act.

XXX. *Provided always, and be it enacted,* That all the provisions of this Act, with regard to the measurement and inspection of the several articles therein-mentioned, shall, within the District of

Quebec, extend only to such articles as may be brought into the Harbour of Quebec, and during such time only as they shall remain within the limits of the said Harbour.

Lumber, &c.
not to be culled
except at the
request of the
buyer and seller.

XXXI. *And be it enacted,* That nothing in this Act shall be construed to require that lumber of any description whatsoever shall be culled, except at the option and request of the buyer and seller; or that any individual shall be required to cull or measure lumber of any description his own manufacture, and intended by him for shipment.

Certain provisions
of this Act
not to have effect
within the port
of Montreal till
after the close of
the next session
of Parliament.

XXXII. *Provided always, and be it enacted,* That none of the provisions of this Act, except those contained in the twenty-third, twenty-fourth, twenty-seventh, and twenty-eighth sections thereof, shall have any force or effect within the Port of Montreal, until after the end of the Session of the Provincial Parliament next after the passing of this Act.

Supervisors not
eligible to sit as
Members in the
Legislative
Assembly.

XXXIII. *Provided always, and be it enacted,* That no Supervisor of Cullers shall be eligible to sit as a Member of the Legislative Assembly of this Province.

Commencement
of this Act.

XXXIV. *And be it enacted,* That this Act shall begin and take effect from and after the first day of January, in the year one thousand eight hundred and forty-two, and shall be published in the official Gazette of this Province for six calendar months next after its passing; and also, that this Act shall continue to be and remain in force until the first

Duration of this
Act.

day of January, in the year one thousand eight hundred and forty-six, and from thence until the end of the then next Session of the Provincial Parliament, and no longer.

PROVINCIAL PARLIAMENT
OF CANADA