

Application of fines recovered by collector :

“**1076.** When a prosecution is instituted by the collector of provincial revenue and in his name, the fine recovered shall be applied in the following manner, viz :

If full amount recovered and fine does not exceed eighty dollars ;

1. If the full amount of fine and costs have been levied and the fine does not exceed eighty dollars, one quarter to the collector of provincial revenue, fifteen dollars to the informer, if there be one, and the remainder to the Provincial Treasurer to form part of the consolidated revenue fund, and if the fine exceeds eighty dollars, there is paid to the collector of provincial revenue twenty dollars, and to the informer, if there be one, fifteen dollars, and the balance to the consolidated revenue fund of the Province ;

If full amount recovered and fine exceeds eighty dollars ;

2. If the fine and costs be not paid in full, the amount levied is applied, in the first instance, to the payment of costs, and the balance is divided between the collector of provincial revenue, the informer, if there be one, and the Provincial Treasurer, in the proportions mentioned in the preceding paragraph of this article.”

Id. art. 1077 amended.

46. Article 1077 of the said Revised Statutes is amended by striking out all the words after the word “ proportion,” in the tenth line thereof.

Id. art. 1082 amended.

47. Article 1082 of the said Revised Statutes, as replaced by the act 52 Victoria, chapter 15, section 13, is amended by adding thereto the following :

Proviso as to revenue district of Saguenay.

“ Except in the revenue district of Saguenay, in the limits whereof any prosecution under this law may be instituted within six months of the offence.”

Coming into force.

48. This act shall come into force on the day of its sanction.

CAP. XIV.

An Act respecting the culling and measurement of timber cut upon Crown Lands.

[Assented to 30th December, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Section added after R. S. Q. art. 1368.

1. The following section is added after article 1368 of the Revised Statutes of the Province of Quebec :

SECTION VII.

CULLING AND MEASUREMENT OF TIMBER CUT UPON CROWN LANDS.

" § 1.—*Declaratory and interpretative.*

" **1368a.** In this act, which may be cited as the Name of act.
 ' Quebec Cullers' Act : ' "

1. The expression ' log ' includes all logs of timber, of Interpreta-
tion of :
" Log."
 every kind and size, whether round, square or otherwise ;

2. The expression ' culler ' means any person employed " Culler."
 or engaged in measuring logs of any kind of timber, for
 construction or other purposes, cut upon Crown Lands or
 subject to any dues whatsoever for the purposes of ad-
 ministration or revenue ;

3. The expression ' stipendiary magistrate ' means " Stipendiary
magistrate."
 any district magistrate, police magistrate, judge of the ses-
 sions and any magistrate having jurisdiction over the
 whole Province.

" **1368b.** This act shall not be interpreted as repealing Certain acts
and regula-
tions not re-
pealed.
 the present laws and regulations of the Crown Lands
 Department, except in so far as they are inconsistent with
 the provisions hereof.

" § 2.—*Board of examiners for cullers.*

" **1368c.** The Lieutenant-Governor in Council may Appointment
of board of
examiners for
applicants
for cullers'
license.
 appoint a board of examiners for cullers, consisting of
 three skilled persons, two of whom shall be officers of the
 Department of Crown Lands, for the purpose of examining
 candidates for licenses to cull and measure timber cut on
 Crown Lands or on which the Crown has rights to exer-
 cise, or dues to collect for administrative or revenue pur-
 poses.

" **1368d.** In addition to the duties aforesaid, the mem- Duties of
members of
board.
 bers of the board are bound to perform the other duties
 which may be assigned to them by the Lieutenant-
 Governor in Council.

Two of the members of the board constitute a quorum Quorum of
board.
 thereof.

" **1368e.** Before entering on his duties, each examiner Oath of office
of members.
 shall take, before a justice of the peace, the affidavit con-
 tained in form A of this act, which affidavit shall, as
 soon as taken, be transmitted to the Commissioner of
 Crown Lands.

" **1368f.** The Lieutenant-Governor in Council may au- Payment of
members.
 thorize the payment, to each member of the board of

examiners, of a sum not exceeding four dollars per day while the examinations last.

Meetings of board when and where to be held.

“ **1368g.** The board of examiners shall sit at such places and dates as may be fixed by the Commissioner of Crown Lands.

Report by board.

At the close of the examinations, or as soon after as may be, the board shall transmit to the Commissioner of Crown Lands the names of such as they believe are trustworthy and of good character, who have passed a satisfactory examination and are recommended as being qualified to perform the duties of culler.

Candidates to be present on day fixed, &c.

Candidates shall present themselves on the day fixed for the sitting of the examiners as aforesaid, after giving notice to that effect to the Commissioner of Crown Lands, and paying therewith the sum of four dollars as an examination fee.

“ § 3.—*Licenses to cullers and their duties.*

Issue of culler's license.

“ **1368h.** The Commissioner of Crown Lands may issue a culler's license, according to form B of this act, to any person reported as competent by the board of examiners.

Oath to be taken before receiving license.

“ **1368i.** Before receiving the license mentioned in the preceding article, the candidate shall take the oath of office contained in form C of this act.

Before whom to be taken.

Such oath shall be taken before a justice of the peace and be transmitted to the Commissioner of Crown Lands.

None but licensed cullers to act.

“ **1368j.** No person, other than a culler licensed under this act, shall make measurements of timber cut upon Crown Lands or upon which the Crown may have dues to receive for administrative or revenue purposes, except when the Commissioner is satisfied that the services of a licensed culler are not procurable; in which case he may issue a special license to a competent person, authorizing him to act as culler after taking the prescribed oath.

Exception. Special license.

Such special license shall not extend beyond the first day of July next following its date.

Duration of special license.

Duty of cullers.

“ **1368k.** Every culler shall measure, fairly and correctly, to the best of his skill, knowledge and ability, all timber of whatsoever kind he may be employed to measure under this act, making such deductions as are necessary to allow for defects and taking note of the timber rejected as worthless, commonly called “culls,” the whole in accordance with the laws and regulations of the Department of Crown Lands.

" **1368/.** Licensed cutlers shall submit their books and records of measurement for the inspection of the Crown timber agents when called upon to do so, and furnish any information and documents which the Department of Crown Lands or its agents may require. Books, &c., to be submitted to inspection of Crown timber agents.

" **1368m.** At the end of each season, it shall be the duty of every culler to make a sworn return upon forms supplied by the Department of Crown Lands or its agents. Returns by cutlers.

Such report shall contain the number of pieces of timber measured and accepted, and the quantity and quality of the timber, the lengths and diameters and also the number of the pieces rejected as worthless. What to contain.

" **1368n.** Should any culler neglect or refuse to comply with the provisions of this act or of any regulations made under it, the Commissioner of Crown Lands may cancel his license. Cancellation of license.

From and after the cancelling of such license, such culler cannot thereafter cull or measure timber cut on Crown Lands or on which the Crown may have dues to collect for the above mentioned purposes, under penalty of a fine of not less than ten nor more than fifty dollars, with costs, to be recovered on summary conviction before a stipendiary magistrate or in default of payment thereof imprisonment of one or three months at the discretion of the magistrate in the common gaol of the district in which the offence was committed. Effect thereof.

" **1368o.** The license of every culler who wilfully makes false measurements, illegally rejects timber, or makes false returns for the purpose of deceiving and defrauding the Province, may be cancelled. Cancelling of licenses.

After the cancelling of the license, no such culler shall have the right to perform his duties as such, under penalty of a fine of not less than twenty nor more than one hundred dollars, recoverable on summary conviction before a stipendiary magistrate or, in default of payment, of an imprisonment of one or three months at the discretion of the Court, in the common gaol of the district where the offence was committed. Penalty for performing duties after license cancelled.

2. The Commissioner of Crown Lands shall, within at least two months after the sanction of this act, cause to be sent to all holders of timber licenses and purchasers of limits, a notice of the day, date and place at which are to be held the examinations of candidates for licenses to cull timber under this act, and may give all other notices which he may deem advisable in the newspapers or otherwise. Notices of examination when and to whom to be sent.

Coming into
force.

3. This Act shall come into force on the day of its sanction.

FORM A.

OATH OF OFFICE OF EXAMINERS OF CULLERS.

I
do solemnly swear that I will perform the duties of examiner of cullers to the best of my knowledge and ability; that I will conduct the examination of candidates for licenses as cullers of timber, without fear, favour or affection, and recommend for licenses only those persons who have proved their fitness to discharge the duties of culling and measuring logs of any kind of timber (for construction or otherwise) cut on Crown Lands or subject to any dues for administrative and revenue purposes.

A. B.

Examiner of cullers.

Sworn before me at	}
this day of	
18	
C. D.	}
Justice of the peace.	

FORM B.

CULLER'S LICENSE.

To
of the district of

By virtue of the authority vested in me by the "Quebec Cullers' Act", I hereby authorize you to act as culler and measurer of timber cut upon Crown Lands or subject to any dues whatsoever for administrative or revenue purposes.

This license shall continue in force during good pleasure.

Given at this day
in the year of Our Lord, 18 .

(Signed),

Commissioner of Crown Lands.

FORM C.

OATH OF OFFICE TO BE TAKEN BY A CULLER BEFORE
RECEIVING HIS LICENSE.

I

do solemnly swear that I will perform the duties of culler without fear, favour or affection, that I will cull and measure correctly all timber cut upon Crown Lands or on which there may be any dues whatsoever to be collected by the Crown for administrative or revenue purposes, and that I will make true returns of the same to the Department of Crown Lands or its agents when so required.

E. F.

Sworn before me	}
at this	
day of 18	
C. D.	
Justice of the peace.	}

CAP. XV.

An Act to amend and consolidate the Mining Law.

[Assented to 30th December, 1890.]

HER MAJESTY, by and with the advice and consent
of the Legislature of Quebec, enacts as follows :

1. Section ninth of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec is repealed and replaced by the following :

“ SECTION IX.

MINES.

§ 1.—*Interpretative and Declaratory.*

“ 1421. In the construction and application of this section, which may be cited as the “Quebec Mining Law.” and of all orders in council or regulations under it, if not inconsistent with the context or subject matter, the following terms have the respective meanings hereby assigned to them, that is to say :

Citation of
act and inter-
pretat' on.