

1937

## c 240 Cullers Act

Ontario

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## CHAPTER 240.

## The Cullers Act

Interpretation.	<b>1.</b> In this Act,—
“Department.”	(a) “Department” shall mean Department of Lands and Forests;
“Minister.”	(b) “Minister” shall mean Minister of Lands and Forests;
“Public lands.”	(c) “Public lands” shall include Crown lands, school lands, clergy lands and patented lands where the timber on them remains the property of the Crown;
“Pulpwood.”	(d) “Pulpwood” shall include all timber suitable or intended for manufacturing pulp or paper;
“Sawlogs.”	(e) “Sawlogs” shall include logs of whatever length whether round or flatted. R.S.O. 1927, c. 209, s. 1.

**Regulations.** **2.**—(1) The Lieutenant-Governor in Council may appoint as many boards of examiners as he may deem necessary, each consisting of three skilled persons any two of whom shall form a quorum, whose duty shall be,—

- (a) to examine, test and report upon the ability and knowledge of all applicants desiring to be licensed to cull and measure sawlogs cut on public lands;
- (b) to examine, test and report upon the ability and knowledge of all applicants desiring to be licensed to cull and measure pulpwood cut on public lands;
- (c) to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council.

**Minister to set standard.** (2) The Minister is hereby authorized to fix the standard and method of examination. R.S.O. 1927, c. 209, s. 2.

**Oath of examiner.** **3.**—(1) Every examiner, before entering upon his duties, shall take and subscribe an oath to the following effect:

That I, \_\_\_\_\_, will act as Examiner of Cullers to the best of my ability and knowledge, and will conduct the examinations without fear, favour or affection and recommend for licenses only those persons who have satisfactorily proved their fitness to discharge the duties of culling and measuring sawlogs, or of culling and measuring pulpwood, as the case may be.

(2) The oath shall be transmitted to the Minister. R.S.O. 1927, c. 209, s. 3. Oath to be transmitted to Minister.

4. The Lieutenant-Governor in Council may authorize the payment to each member of such board, as remuneration for his services, of a sum not exceeding \$10 per day while actually employed as such examiner. R.S.O. 1927, c. 209, s. 4. Remuneration of examiners.

5. Every board shall sit at such places and on such dates as may be fixed by the Minister, and shall examine all candidates who present themselves before them, and at the close of the examination, or as soon after as may be, shall transmit to the Minister the names of such of the candidates as they believe are trustworthy and of good character, and who have passed a satisfactory examination, and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as cullers, either of sawlogs or of pulpwood. R.S.O. 1927, c. 209, s. 5. Duties of board.

6.—(1) Every person intending to present himself for examination as a culler shall, on or before the 1st day of July in any year, give notice in writing to the Minister of such intention, and of his post office address. Application for examination.

(2) The notice referred to in subsection 1 shall state whether the candidate intends to present himself for examination as a culler of sawlogs or as a culler of pulpwood. Form of notice.

(3) The examination fee as culler either of sawlogs or pulpwood shall be \$4. Examination fee.

(4) Examination fees may be paid at the time of the notice mentioned in subsection 1 or to the presiding examiner before the examination. Time of payment.

(5) Failure to comply with subsection 1 shall not render any applicant ineligible for examination privileges if reasons satisfactory to the Minister are furnished and other necessary requirements are met. R.S.O. 1927, c. 209, s. 6. Failure to comply with provisions as to application.

7.—(1) The Minister may issue a license to any person reported as competent to perform the duties of a culler, such license to be in the form following, and to remain in force until cancelled: Culler's license.

To \_\_\_\_\_ of the County (or District) of \_\_\_\_\_

By virtue of authority vested in me by *The Cullers Act*, I hereby authorize you to act, during pleasure of the Crown, as culler of sawlogs (or of pulpwood as the case may be) cut on public lands within Ontario.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Minister of Lands and Forests.*

Effect  
of license.

(2) A person to whom has been issued a license as culler of sawlogs shall be entitled thereunder to measure and cull pulpwood. R.S.O. 1927, c. 209, s. 7.

Oath of  
applicant for  
license.

**8.**—(1) Before a license is issued each successful applicant shall take an oath to the following effect:

That I, \_\_\_\_\_, while acting as a licensed culler, without fear, favour or affection, and to the best of my judgment and skill, will correctly measure all pulpwood (*or sawlogs as the case may be*) cut on public lands and which I may be employed to measure, and make true return of the same to the Department of Lands and Forests, or its agents.

Oath to be  
transmitted  
to Minister.

(2) The oath shall be transmitted to the Minister. R.S.O. 1927, c. 209, s. 8.

Special  
permit.

**9.** No person other than a licensed culler, and no licensed culler as to timber other than that covered by his license, shall make measurements of sawlogs or pulpwood cut upon public lands for the purposes of a return to the Department, but where it is made to appear to the satisfaction of the Minister that the services of a licensed culler are not procurable, the Minister may issue a special permit to any trustworthy and skilled person to act as culler, and upon his taking the prescribed oath, but such permit shall not extend beyond the 1st day of June next following its date. R.S.O. 1927, c. 209, s. 9.

Duty of  
culler.

**10.** It shall be the duty of every culler of sawlogs or of pulpwood as the case may be, to measure fairly and correctly to the best of his skill, knowledge and ability all sawlogs and pulpwood which he may be employed to measure, making only such deductions as are necessary to allow for rots or other defects, and to enter in a book of record, for the purpose of return to the Department, what he believes to be the proper contents of the logs and pulpwood, noting also the number of sawlogs and pulpwood respectively rejected as worthless, commonly called "culls." R.S.O. 1927, c. 209, s. 10.

How saw-  
logs and  
pulpwood to  
be marked.

**11.** Upon all sawlogs and pulpwood culled or rejected as wholly worthless he shall mark the word "cull" in plain letters, but he shall not mark "cull" upon any log which is intended to be hauled to any river, lake or stream for the purpose of being driven to a mill. R.S.O. 1927, c. 209, s. 11.

Books and  
records may  
be inspected  
by officers of  
Department.

**12.** All licensed cullers shall submit their books and records of measurements for the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Department when called upon so to do, and shall give all information asked for if in their power and furnish any state-



ments or copies of statements which the Department or its agents may require. R.S.O. 1927, c. 209, s. 12.

**13.** At the end of the season every culler of sawlogs shall make a sworn return upon forms supplied by the Department or its agents, which shall show the names and addresses of each person for whom the sawlogs measured were cut, the lands on which the said sawlogs were cut, the number of pieces measured and accepted by him cut on each of said lands and the respective lengths and diameters of each of said pieces so cut and also the number of pieces so cut on each of said lands and rejected as worthless. R.S.O. 1927, c. 209, s. 13.

Returns to be made by cullers.

Names and addresses.

**14.** At the end of the season every culler of pulpwood shall make a sworn return upon the forms supplied by the Department or its agents which shall show the number of cords of pulpwood measured by him, the names and addresses of each person for whom said pulpwood was cut respectively, the lands on which the said pulpwood was cut and the number of cords so cut on each of said lands, and also the quantity of pulpwood cut on each of said lands and rejected as worthless. R.S.O. 1927, c. 209, s. 14.

Returns to be made by cullers.

Number of cords measured.

**15.** If a culler neglects or refuses to carry out and obey the provisions of this Act, or any regulations made under it, the Minister may cancel his license and such culler shall not thereafter be eligible to cull or measure pulpwood or sawlogs cut upon public lands, and if he does so he shall incur a penalty of not less than \$10 nor more than \$50 for each offence. R.S.O. 1927, c. 209, s. 15.

Cancellation of license.

**16.** If a culler wilfully undermeasures or mismeasures or improperly culls and rejects any sawlogs or pulpwood, or makes a false return for the purpose of deceiving or defrauding, his license shall be revoked and he shall not be permitted to act as culler under this Act, and in addition he shall incur a penalty of not less than \$20 nor more than \$100 for each offence. R.S.O. 1927, c. 209, s. 16.

Offences and penalties.

**17.** This Act shall not abrogate any regulations made under *The Crown Timber Act*, except in so far as they may be inconsistent herewith. R.S.O. 1927, c. 209, s. 17.

Certain provisions not to be abrogated. Rev. Stat. c. 36.

**18.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 209, s. 18.

Recovery of penalties. Rev. Stat. c. 136.