



1914

c 172 Cullers Act

Ontario

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CHAPTER 172.

An Act respecting the Culling and Measurement of
Saw Logs cut upon Public Lands.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Ontario Cullers Act*.
1 Geo. V. c. 47, s. 1.
- Interpretation. **2.** In this Act,
- “Department.” (a) “Department” shall mean the Department of
Lands, Forests and Mines;
- “Minister.” (b) “Minister” shall mean the Minister of Lands,
Forests and Mines;
- “Public lands.” (c) “Public Lands” shall include Crown lands, school
lands and clergy lands;
- “Saw-logs.” (d) “Saw-logs” shall include logs of pine of whatever
length whether round or flatted. 1 Geo. V. c. 47,
s. 2.
- Examination of applicants for licenses to cull and measure saw-logs. **3.** 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 it shall be to examine, test and report upon the ability and knowledge of all applicants desiring to be licensed to cull and measure saw-logs, cut on Public Lands, and to perform such other duties as may be assigned to them by the Lieutenant-Governor in Council. 1 Geo. V. c. 47, s. 3.
- Oath of examiner. **4.**—(1) Every Examiner, before entering on 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 saw-logs.
- To be transmitted to Minister. (2) The oath shall be transmitted to the Minister. 1 Geo. V. c. 47, s. 4.
- Fees of examiners. **5.** 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 \$4 per day while actually employed as such Examiner. 1 Geo. V. c. 47, s. 5.

6. Every Board shall sit at such places and on such dates Sittings of boards of examiners. 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 Reports. 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. 1 Geo. V. c. 47, s. 6.

7. Every person intending to present himself for examination as a culler shall, on or before the first day of May in any year, give notice in writing to the Minister of such intention, and of his post office address, and shall pay into the Department \$4 as an examination fee. 1 Geo. V. c. 47, s. 7. Candidates' notice and fees.

8. The Minister may issue a license to any person reported License to cullers. as competent to perform the duties of a culler, such license to be in the form following, and to remain in force until cancelled:

To of the (County or District) of

By virtue of authority vested in me by *The Ontario Cullers' Act*, I hereby authorize you to act, during pleasure, as culler of saw-logs cut on Public Lands within Ontario.

Given under my hand this day of 19

Minister of Lands, Forests and Mines.

1 Geo. V. c. 47, s. 8.

9.—(1) Before such license is issued each successful applicant shall take an oath to the following effect: Oath of applicant for license.

That I, , while acting as licensed culler, without fear, favour or affection, and to the best of my judgment and skill, will correctly measure all saw-logs cut on Public Lands which I may be employed to measure, and make true return of the same to the Department of Lands, Forests and Mines, or its agents.

(2) The oath shall be transmitted to the Minister. 1 Geo. V. To be sent to Minister. c. 47, s. 9.

10.—(1) No person other than a licensed culler shall make measurements of saw-logs 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, upon his taking the prescribed oath, but such permit shall not extend beyond the 1st day of July next following its date. Unlicensed persons not to make measurements.

Saving.

(2) This section shall not apply to the operations of any lumber company, person or firm whose gross annual output is under 250,000 feet board measure. 1 Geo. V. c. 47, s. 10.

Duties of cullers.

11. It shall be the duty of every culler to measure fairly and correctly to the best of his skill, knowledge and ability all saw-logs 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, noting also the number of saw-logs rejected as worthless commonly called culls. 1 Geo. V. c. 47, s. 11.

Idem.

12. Upon all logs 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. 1 Geo. V. c. 47, s. 12.

Inspection of books and records of cullers.

13. 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 statements or copies of statements which the Department or its agents may require. 1 Geo. V. c. 47, s. 13.

Returns by cullers.

14. At the end of the season every culler shall make a sworn return, upon forms supplied by the Department or its agents, which shall show the number of pieces measured and accepted by him, and their respective lengths and diameters, and also the number of pieces rejected as worthless, 1 Geo. V. c. 47, s. 14.

Penalty for failure to perform duties.

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 saw-logs cut upon Public Lands, and if he does so he shall incur a penalty of not less than \$10 or more than \$50 recoverable under *The*

Rev. Stat. c. 90. *Ontario Summary Convictions Act.* 1 Geo. V. c. 47, s. 15.

Penalty for making improper measurements or false returns.

16. If a culler wilfully undermeasures or mismeasures or improperly culls and rejects any saw-logs, or makes a false return for the purpose of deceiving or defrauding, his license shall be revoked and he shall not thereafter be permitted to act as culler under this Act; and in addition he shall incur a penalty of not less than \$20 or more than \$100, recoverable under *The Ontario Summary Convictions Act.* 1 Geo. V. c. 47, s. 16.

Rev. Stat. c. 90.

Act not to affect regulations under Rev. Stat. c. 29.

17. This Act shall not abrogate any regulations made under *The Crown Timber Act*, except in so far as they may be inconsistent herewith. 1 Geo. V. c. 47, s. 17.