1950

c 84 Cullers Act

Ontario
CHAPTER 84

The Cullers Act

1. In this Act,

(a) "cull" means,

(i) in reference to pulpwood, a log having less than one-half of its cubical content of sound wood, and

(ii) in reference to sawlogs, a log having less than one-third of its board measure of sound wood;

(b) "culler" includes scaler;

(c) "Department" means Department of Lands and Forests;

(d) "Minister" means Minister of Lands and Forests;

(e) "public lands" includes Crown lands, school lands, clergy lands and patented lands where the timber on them remains the property of the Crown;

(f) "pulpwood" includes all timber suitable or intended for manufacturing pulp or paper;

(g) "sawlogs" includes logs of whatever length whether round or flattened. R.S.O. 1937, c. 240, s. 1; 1943, c. 28, s. 12; 1946, c. 15, s. 1; 1949, c. 24, s. 1.

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. 1937, c. 240, 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 licences 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. 1937, c. 240, s. 3.

Remuneration of examiners.

4. The Lieutenant-Governor in Council may authorize the payment to each member of a board of examiners, as remuneration for his services, of a sum not exceeding $10 per day while actually employed as an examiner. R.S.O. 1937, c. 240, s. 4.

Duties of board.

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 the candidates 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. 1937, c. 240, s. 5.

Application for examination.

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

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

Examination fee.

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

Time of payment.

(4) Examination fees may be paid at the time the notice is given or to the presiding examiner before the examination.
(5) Failure to comply with subsection 1 shall not render an applicant ineligible for examination privileges if reasons satisfactory to the Minister are furnished and other necessary requirements are met. R.S.O. 1937, c. 240, s. 6.

7.—(1) The Minister may issue a culler’s licence to any person who,

(a) has been recommended by a board as provided in section 5; and

(b) has taken the oath prescribed by section 8,

and may designate any such licence as a pulpwood culler’s licence or a sawlog culler’s licence.

(2) Every licence shall expire on the 31st day of March next following the date of the issue thereof.

(3) A licence, upon application to the Minister, may be renewed from time to time either before or after the expiration thereof or of the last renewal and every renewal shall expire on the 31st day of March next following the date thereof but where a licence has not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

(4) The Minister may suspend or cancel the licence of a culler for failure to observe any of the provisions of the Act or of any requirement lawfully made by the Minister.

(5) A person who is the holder of a licence as culler of sawlogs shall be entitled thereunder to measure and cull pulpwood. 1946, c. 15, s. 2.

8.—(1) Before a licence 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 in accordance with the authorized Manual of Scaling Instructions, 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.

R.S.O. 1937, c. 240, s. 8 (1); 1949, c. 24, s. 2.

(2) The oath shall be transmitted to the Minister. R.S.O. 1937, c. 240, s. 8 (2).

9. No person other than a licensed culler, and no licensed culler as to timber other than that covered by his licence,
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 trust-worthy 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. 1937, c. 240, s. 9.

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, in accordance with the authorized Manual of Scaling Instructions, 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 pieces of sawlog and pulpwood timber respectively rejected as culls. R.S.O. 1937, c. 240, s. 10; 1943, c. 28, s. 13; 1949, c. 24, s. 3.

11. It shall be the duty of every licensed culler to mark upon all cull logs the word "cull" and the person authorized to cut the timber shall not be required to make payment for such cull. 1943, c. 28, s. 14.

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 statements or copies of statements which the Department or its agents may require. R.S.O. 1937, c. 240, 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 sawlogs were cut, the number of pieces measured and accepted by him cut on each of the lands and the respective lengths and diameters of each of the pieces so cut and also the number of pieces so cut on each of the lands and classified as culls. R.S.O. 1937, c. 240, s. 13; 1947, c. 25, s. 1.

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 the pulpwood was cut, the lands on which the pulpwood was cut and the number of cords so cut on each of the lands, and also the quantity of pulpwood cut on each of the lands and classified as culls. R.S.O. 1937, c. 240, s. 14; 1947, c. 25, s. 2.

15.—(1) Every person who, not being the holder of a licence or special permit under this Act, performs or attempts to perform the duties of a culler, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $10 and not more than $50 for each offence.

(2) Every person who, being the holder of a pulpwood culler’s licence or special permit only, performs or attempts to perform the duties of a sawlog culler, shall be guilty of an offence and on summary conviction shall be liable to the penalties prescribed in subsection 1. 1946, c. 15, s. 3; 1949, c. 24, s. 4, amended.

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 licence shall be revoked and he shall not be permitted to act as culler under this Act, and in addition he shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $20 and not more than $100 for each offence. R.S.O. 1937, c. 240, ss. 16, 18.

17. The Minister may authorize a Manual of Scaling Instructions prescribing the method of measuring timber cut on ungranted public lands, and timber cut on patented lands where the timber on them remains the property of the Crown, and such authorization shall be deemed to be of an administrative and not of a legislative nature. 1949, c. 24, s. 5.

18. 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. 1937, c. 240, s. 17.

19. The Lieutenant-Governor in Council may make regulations,

(a) prescribing forms of licences and renewals and other forms for use under this Act;

(b) prescribing fees payable in respect of licences and renewals thereof;

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 15, s. 4.