

Agents not liable unless account delivered and demand made before sailing of such ships &c.

Provided, That such agent or agents for such ship or vessel shall be liable to pay the same only where an account shall be delivered to, or in case of absence, left at his or their house, and the money demanded of him or them, or his or their clerk before the sailing or departure of such ship or vessel from port: any thing herein contained to the contrary notwithstanding.

Rights of mayor &c. of St. John not infringed by this act.

Provided also, That nothing herein contained shall infringe, impair, or do away any right, which the mayor, aldermen and commonalty of the city of Saint John have or possess by the charter of the said city, as by law established.

CAP. I.

An ACT for regulating the exportation of FISH and LUMBER, and for ascertaining the quality of the same.

I. Be it enacted by the Governor, Council and Assembly,

Fish for exportation to be packed in barrels of at least 28 gallons.

THAT from and after the first day of April all pickled herrings, mackarel, cod and scale fish for exportation shall be packed in barrels of twenty-eight gallons at least, which barrels shall be made stout of well seasoned timber, free from sap, and have three sufficient hoops on each bilge, and three on each end, the chime hoops to be secured with nails. The fish shall be all of one kind, sweet, free from rust, close pack'd and full of strong pickle. All salmon for exportation shall be packed in barrels of thirty-one gallons and a half at least, or in tierces of forty-two gallons, and shall be free from oil. And before such pickled fish are shipped for exportation, every barrel shall be surveyed and inspected by proper persons appointed for that purpose in each county town and place where such fish shall be shipped, who shall be sworn to the faithful performance of their duty, and shall take care that the barrels and fish are in every respect agreeable to the regulations herein before specified, and shall mark the same with such brand or mark as shall be assigned him, which surveyor shall receive from the shipper for surveying, inspecting and branding, four pence per barrel. And all merchants and others shipping such fish, shall brand the initials of his name with his surname and N. Brunswick at full length on each barrel or tierce before they are shipped. And if any fish be shipped for exportation on board any ship or vessel before they are surveyed and branded as aforesaid, the owners or shippers of said fish and the master of the vessel receiving the same on board, shall on conviction pay a fine of five shillings for each barrel so shipped, to be equally paid by the shipper and master.

Salmon in barrels of at least 31 gallons and an half or in tierces of 42 gallons.

To be surveyed and inspected before shipping by inspectors to be appointed and sworn in each county.

All casks to be marked or branded by the inspector and also branded by the merchant shipping the same.

II. And

II. *And be it further enacted,* That all cod and scale fish for exportation shall before they are shipped, be culled by a sworn culler. Fish for the Spanish, Portugal, or Streights market, shall be of the first quality, properly cured, not salt burnt nor broke, smoothly split and perfectly sound. Those for the Madeira market shall be deemed merchantable altho' not smoothly split, provided they have the other qualities above-mentioned. Such as are for the West-India market shall be merchantable if they are well dried and cured, altho' they have not the other qualities before-mentioned. The culler of fish shall receive for weighing, inspecting and culling the same four pence per quintal, to be paid by the purchaser. And all persons shipping for exportation any dry fish before they are culled as aforesaid, shall forfeit and pay the sum of three shillings for each quintal so shipped.

Fish for exportation to be culled by sworn cullers.

III. *And be it further enacted,* That all boards, plank and scantling, for exportation, shall, before they are shipped, be surveyed by a sworn surveyor. All merchantable boards shall be square edg'd and full one inch thick when saw'd. If any are wainey, provided they are in all other respects merchantable, the surveyor shall receive the same deducting one eighth, and making allowance in the measurement for the wain. No more than four plank shall be allowed to a thousand feet of boards, and no board or plank shall exceed twenty-four feet in length. Proper allowance shall be made by the surveyor for shrinking when seasoned, and he shall also make reasonable allowance to the purchaser for all splits, rents and knot holes. All scantling, whether saw'd or hew'd, shall be properly squar'd, and the contents in board measure marked on each piece. If any boards or scantling are over-marked, the same shall be marked anew. The surveyors shall receive from the purchaser for surveying, eight pence per thousand feet, and also for new marking eight pence per thousand feet, but the new marking shall be made a charge of by the purchaser to the feller. And all persons shipping boards or scantling, not surveyed as aforesaid, shall forfeit on conviction the sum of ten shillings for every thousand feet so shipped by them.

Lumber for exportation to be surveyed by sworn surveyors.

IV. *And be it further enacted,* That all hoghead and barrel staves, and hoghead hoops, shall before they are exported be surveyed and culled by a sworn culler, who shall allow twelve hundred to the thousand. All hoghead staves shall be full four inches wide, three quarters of an inch thick at the thin edge, and shall also be three feet six inches long. All barrel staves for the Irish market shall be thirty inches long, three and an half inches wide, and three quarters of an inch thick at the thin edge. All hoghead hoops, shall be full fourteen feet long, three quarters of an inch broad at the smallest end, of substantial wood and well shaved. They shall be packed in bundles of thirty each, which shall

Staves and hoops before exportation, to be surveyed and culled by sworn cullers.

shall be well bound in four different places, and forty such shall be allowed to a thousand. The surveyor or culler shall receive from the purchaser eighteen pence per thousand for each thousand of staves, and nine pence per thousand for each thousand of hoops so culled by him. And all persons shipping for exportation any staves or hoops not culled as aforesaid, shall on conviction forfeit ten shillings per thousand for every thousand so shipped by them.

Dimensions and qualities of timber, masts, bowsprits and spars for the British market.

V. *And be it further enacted*, That all square timber for the British market, shall not be less than ten inches square, and sixteen feet long, well squared and free of bark. That all crooked timber, knees and anchor stocks, shall be sound and free from rots. That all masts, bowsprits, and spars of every kind be free from shakes and rotten knots. That before any such timber, masts or spars, are ship'd for exportation, they shall be surveyed by a sworn surveyor, who shall mark the contents of the timber and number of inches, the masts and spars will work on each piece, and shall receive for surveying and marking, twelve pence per ton for the timber, and in like proportion for masts and spars, said surveying to be paid by the purchaser. And all persons shipping timber, masts or spars, not surveyed as aforesaid, shall forfeit five shillings for every ton so shipped.

Dimensions and quality of clapboards and shingles.

VI. *And be it further enacted*, That all clapboards for exportation shall be five inches wide, full half an inch thick on the back, and four feet four inches long, streight, well shaved and free of sap, shakes and worm holes. That all common shingles for exportation shall be full four inches wide, half an inch thick at the but end, and eighteen inches long, free from worm holes, shakes and sap, and such as are for the Jamaica market shall be not less than five inches wide, three quarters of an inch thick at the thick end and twenty-two inches long. All bundles must contain two hundred and fifty shingles. *Provided always*, That this regulation relating to shingles, shall not be in force sooner than the first day of January next ensuing. All clapboards and shingles shall before they are ship'd for exportation, be survey'd by a sworn surveyor, who shall receive from the purchaser two pence per thousand for surveying the same. All persons shipping clapboards or shingles for exportation, until they are surveyed as aforesaid, shall forfeit ten shillings per thousand for clapboards, and three shillings per thousand for shingles so shipped.

To be surveyed before exported.

Inspectors and cullers of fish and surveyors of lumber how appointed.

VII. *And be it further enacted*, That it shall and may be lawful for the justices of the peace in each county at their first quarter sessions annually, or the mayor and aldermen of the city of Saint John, to appoint fit persons to be inspectors and cullers of fish and surveyors of lumber, in each county town and place where such may be necessary; which persons shall give bond in the sum of

fifty pounds with two sufficient sureties, and shall be sworn to the diligent and faithful discharge of their trust, and continue in said office till other proper persons be appointed in their stead.

VIII. *And be it further enacted*, That all fines or forfeitures arising by force or virtue of this act, shall be one half to him or them who shall sue for the same, and the other half for the benefit of the county where such fraud shall be committed. And if the same shall not exceed twenty shillings, it shall be recoverable before any one of his Majesty's justices of the peace, or where the same is more than twenty shillings and does not exceed three pounds, before any two of his Majesty's said justices, on the oath of one credible witness, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of said justice or justices, and for want of sufficient distress such offender to suffer not less than twenty nor more than sixty days imprisonment. And in case such fine or the value thereof shall exceed three pounds, the same may be recovered by him or them who shall sue for the same in any of his Majesty's courts of record in this province.

Forfeitures how recovered.

IX. *Provided always*, That all prosecutions by force of this act shall be commenced within six months after the time such offence was committed.

Prosecutions to be commenced within six Months.

X. *And be it further enacted*, That this act shall be read and published once every year at the opening of the first general quarter sessions of the peace for the several counties within this province.

To be read every year at the opening of the Sessions.

CAPIT.

An ACT to prevent FRAUDS in the SALE of DAMAGED GOODS imported into this province.

WHEREAS goods imported here, and insured in Great-Britain and elsewhere, are sometimes sold in this city or other port within this province for the account of the insurers; wherefore to prevent frauds in such sales.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That all damaged goods hereafter to be sold for account of the insurers shall be surveyed by the master, or one or more of the wardens of the port of Saint John for the time being, or other port within this province, at or upon the first unloading thereof, or as soon thereafter as the same are discovered to be damaged, which said master or wardens are to determine if the same has been properly

Damaged goods sold on account of insurers, to be surveyed by the master or warden of the port.