

IV. *And be it further enacted*, That this act shall continue and be in force till the *first* day of *March* which will in the year of our LORD *one thousand eight hundred and two*, and no longer. Limitation.

C A P. IV.

An ACT for REGULATING the Exportation of FISH and LUMBER, and for repealing the LAWS now in force regulating the same. Passed the 18th February, 1797.

WHEREAS, the laws now in force for regulating the exportation of FISH and LUMBER are found to be inadequate to the purposes intended. Preamble.

I. *Be it therefore enacted by the Lieutenant Governor, Council and Assembly*, That an act made and passed in the *twenty sixth* year of His MAJESTY's reign intituled "An Act for regulating the exportation of *Fish* and *Lumber* and for ascertaining the Quality of the same" and an act made and passed in the *twenty seventh* year of His MAJESTY's reign, intituled "An Act in addition to an Act intituled 'An Act for regulating the exportation of *Fish* and *Lumber* and for ascertaining the quality of the same,' and also an act made and passed in the *twenty eighth* year of His MAJESTY's reign intituled "An Act to amend an Act intituled 'An Act for regulating the exportation of FISH and LUMBER and for ascertaining the Quality of the same'—be and the same are hereby repealed. Former acts repealed.

II. *And be it further enacted*, That from and after the *first* day of *April* next, 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 of well seasoned timber free from sap, and have three sufficient hoops on each bilge and three on each end—the fish shall be all of one kind, sweet, free from rust, and closely packed, and the barrels full of strong pickle; and that all Salmon for exportation, shall be packed Herrings, Mackarel, Cod and Scale Fish to be packed in barrels of twenty eight gallons, to be made of well seasoned timber & requisite qualities of the several sorts of fish
Salmon to be packed in tier-

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ces, half tierces, barrels and half barrels, each tierce to contain three hundred pounds, &c. in proportion.

Barrels containing less than twenty-eight gallons to be forfeited and destroyed.

All fish shipped in casks of less size, or Salmon in casks containing less weight than hereby required, to be forfeited.

Quality of fish for European markets, and

for West-India markets.

Forfeiture for shipping un-merchantable fish.

Qualities, of merchantable boards and other lumber, to be surveyed by sworn Surveyors.

packed Tierces, Half Tierces, Barrels, and Half Barrels, which Tierces, Half Tierces, Barrels and Half Barrels, shall be made of sound seasoned wood, free from sap, sufficient to hold pickle, and shall be full bound;—each Tierce shall contain *three hundred pounds*, each Half Tierce *one hundred and fifty pounds*, each Barrel *two hundred pounds*, and each Half Barrel *one hundred pounds*, exclusive of the Salt, and shall be full of strong pickle. And all Barrels hereafter made which shall contain less than *twenty eight* gallons shall be forfeited; and on complaint and proof before any *two* of HIS MAJESTY'S Justices of the Peace for the county, the same shall be adjudged to be burnt or destroyed by a Constable of the Town or Parish where such offence shall be committed: And all Pickled Fish shipped in Barrels of a smaller size, or Salmon shipped in Tierces, Half Tierces, Barrels, or Half Barrels containing less weight shall be forfeited. PROVIDED ALWAYS, That it shall and may be lawful to export Herrings without pickle if the same are in every other respect conformable to this act.

III. *And be it further enacted*, That all Cod and Scale-Fish for exportation, shall be of the following description and qualities—viz—Fish for the European Markets shall be of the first quality, properly cured, not salt burnt nor broke, smoothly split, and perfectly sound: Fish for the West India Market, if well cured and dried, shall not be required to have the other qualities before mentioned, and no fish which have not the qualities above described shall be deemed merchantable, and all persons shipping un-merchantable fish shall on conviction forfeit *three shillings* for each Quintal so shipped by them.

IV. *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 edged and *seven eighths* of an inch thick, except such as are for the New-Foundland and Kingston in Jamaica Markets which shall be one inch thick,—and all clear Boards shall be full inch thick: No Board or Plank shall be deemed merchantable if the same be split at both ends, or be split in any part more than *one quarter* of the length of such Board or Plank, or be not of equal thickness throughout—and a reasonable allowance shall be made to the purchaser for all splits, rents, and knot holes—all Boards and Planks shall be marked at the butt end—the full contents shall be marked on each Board and Plank—*one half* of the split shall be allowed for splits, and a reasonable allowance for rents or knot-holes, which shall be deducted from the amount of such contents: And that all Scantling whether sawed or hewed shall

shall be properly squared and the contents in board-measure marked on each piece—all Boards, Plank, or Scantling over or under marked shall be marked properly a-new—and no more than *four* Plank, shall be allowed to *one thousand feet* of Boards—the Surveyor shall be allowed *eight pence per thousand feet board measure* for surveying, to be paid by the purchaser, and *four pence* additional *per thousand feet* for new marking, to be paid by the seller: And all persons shipping Boards, Plank, or Scantling, not surveyed as aforesaid, shall, on conviction, forfeit *ten shillings* for every *thousand feet* so shipped by them.

Allowances to Surveyors.

V. *And be it further enacted*, That all Shingles for exportation, of *eighteen inches* long, shall be not less than *four inches* wide and *half an inch* thick at the thick end, free from worm-holes, shakes, and sap; all Shingles of *twenty two inches* long shall be not less than *three and an half inches* wide, and *half an inch* thick at the thick end, and be free from worm holes, rots, and shakes; and all such Shingles shall be surveyed by a sworn Surveyor who shall receive *two pence per thousand* for the survey of Shingles of *eighteen inches* long and *four pence per thousand* for the survey of Shingles of *twenty two inches* long, to be paid by the purchaser: And all persons shipping Shingles, not surveyed as aforesaid, shall forfeit *two shillings* for each *thousand* so shipped by them.

Qualities of merchantable Shingles, to be surveyed by sworn Surveyors

Allowances to Surveyors.

VI. *And be it further enacted*, That all Square Timber for the British Market shall be not less than *ten inches* square, nor shorter than *sixteen feet*, well squared, square butted, and free of bark, shakes and rotten knots; and that all Spars shall be free from shakes and rotten knots: All such Timber and Spars shall, before shipped for exportation be surveyed by a sworn Surveyor, who shall mark and number the same, and ascertain the contents; which Surveyor shall for such surveying, marking and ascertaining the contents receive *six pence per Ton* for the Timber, and in like proportion for the Spars, to be paid for by the purchaser: And all persons shipping Timber or Spars, not surveyed as aforesaid, shall forfeit *five shillings* for every *Ton* so shipped by them.

Square timber and spars to be surveyed by a sworn Surveyor and the contents to be marked.

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* General Sessions annually, or the Mayor, Aldermen and Commonalty of the city of Saint John, to appoint fit persons to be Surveyors of Lumber in each county, town, and place where such may be necessary; which persons shall give bond in the sum of

Justices in their first General Sessions, annually, to appoint fit persons to be Surveyors of lumber.

of fifty pounds, with two sufficient Sureties, and shall be sworn to the diligent and faithful discharge of their trust, and shall continue in such office until other proper persons are appointed in their stead.

Half the forfeitures to be to the benefit of the county, and the other half to the prosecutors.

How recoverable.

VIII. *And be it further enacted*, That one half of all forfeitures or fines arising by virtue of this act, shall be to him or them who shall sue for the same, and the other half to the benefit of the county where such offence 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 shall be more than *twenty shillings* and shall not exceed *three pounds*, before any two of HIS MAJESTY'S Justices of the Peace, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods and chattels under the hand and seal of such Justice or Justices, and for want of sufficient distress, such offender shall suffer not less than *ten*, nor more than *thirty* days imprisonment; and in case such fine or the value thereof shall exceed *three pounds* the same may be recovered in any of HIS MAJESTY'S Courts of Record in this province with costs of suit.

Prosecutions to be within six months.

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

This act to be read at the Court of Sessions of the peace in each county.

X. *And be it further enacted*, That this act shall be read and published at the opening of the next Court of General Sessions of the Peace for the several counties within this province.

C A P. V.

An Act to PREVENT the GROWTH of THISTLES. Passed the 18th February 1797.

Preamble.

WHEREAS, the growth and increase of Thistles tend to impede the cultivation and improvement of lands in many parts of this province: AND WHEREAS, it is difficult to make regulations that will be beneficial to the different counties.

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