

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1797. Fredericton: Christopher Sower, Printer to the King's Most Excellent Majesty, 1797.

37 George III – Chapter 4

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 in adequate to the purposes intended.

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the exportation of Fish and Lumber and for ascertaining the Quality of the same,' —be and the same are hereby repealed.

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 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 thus 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 but-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 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.

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.

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.

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 maybe 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 shall continue in such office until other proper person are appointed in their stead.

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 maybe recovered in any of His Majesty's Courts of Record in this province with costs of suit.

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.

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.