

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1810.* Saint John, NB: Jacob Mott, Printer to the King's Most Excellent Majesty, 1810.

50 George III – Chapter 23

**An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber. Passed the 14th of March, 1810.**

Whereas the regulations contained in an Act, made and passed in the thirty-seventh year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force, regulating the same"— and in another Act made and passed in the forty-third year of His MAJESTY'S Reign intituled " An Act to explain and amend an Act, intituled an Act for regulating the exportation of Fish and Lumber, and repealing the Laws, now in force regulating the same," have been found ineffectual for the purposes thereby intended.

I. Be it therefore enacted by the President, Council, and Assembly, That the fourth and sixth Sections of the first of the said herein before recited Acts be, and the same are hereby repealed.

II. And be it further enacted, That all boards, planks, and scantling for exportation, shall before they are shipped, be surveyed by a sworn Surveyor; all merchantable boards shall be square edged with the saw, and be seven-eighths of an inch thick, except those for Newfoundland, and Kingston, Jamaica, markets, which shall be one inch thick and all clear boards shall be one inch thick. No board or plank shall be deemed merchantable, if the same be split at both ends, or be split more than one eighth of the length of such board or plank, or be not of equal thickness throughout, and free of wind shakes and knot holes, and one half the split shall be allowed for splits all boards and planks shall be marked at the butt end, and the full contents marked on each board and plank, and all sawed scantling shall be squared, and the contents in board measure marked on each piece; no more than two hundred feet board measure of plank, shall be allowed to one thousand feet of boards; the Surveyor shall carefully examine each side of every board, plank, or scantling, and shall be allowed one shilling per thousand feet for surveying, to be paid by the purchaser; and all persons shipping boards, planks, or scantling, not so marked and surveyed shall forfeit and pay ten shillings for every thousand feet so shipped by them.

III. And be it further enacted, That no squared Timber for the British market, shall be deemed merchantable, that is less than ten inches square, or shorter than sixteen feet, free from joints, smoothly hewn, and well squared, free from bark, shakes and rotten knots; no log less than fourteen inches square, shall have more than one inch wane, and no log above fourteen inches square, and not exceeding twenty inches square, shall have more than two inches of wane, and all logs above twenty inches square, shall not have more than three inches wane, to be measured on the wane, and such timber (spruce excepted) shall not taper more than one inch to every fourteen feet in length; and no log shall have a sweep unless it has two straight sides; that the Surveyor shall cause every log to be Canted and carefully examine every side thereof, he shall survey no log until it is square butted, he shall mark the contents in figures on the butt end of every log, with the purchasers mark, and his own initials, and shall be liable to a prosecution by the party injured, and

to a forfeiture not exceeding five shillings per ton, for every log he may pass contrary to the provisions of this Act, he shall furnish the purchaser and seller immediately with a survey bill; and shall keep a book of entries of all lumber surveyed by him, noting the time of such survey, and the persons from whom and to whom it was surveyed, to be referred to at any time as evidence of such survey: It shall be lawful for a Surveyor to survey lumber in any part of the County in which he is appointed, and for extra services required by virtue of this Act, the Surveyor shall be paid at the rate of eight pence per ton, instead of six-pence heretofore allowed, except for timber surveyed in the City and County of Saint John, which allowance shall be paid by the purchaser.

IV. And he it further enacted, That no lathwood shall be deemed merchantable, unless it be square butted, of straight rift, free of bark, knots and heart.

V. And whereas some evil disposed persons are in the practice of plugging timber and masts, for the purpose of passing such timber or masts by such deceptions as merchantable: Be it therefore enacted, that any person convicted of plugging any timber or masts, where any defect is covered by such plugging, shall be liable to pay a fine of forty shillings, for each and every offence, which penalty as well as the penalties before inflicted by this Act, shall be recovered before any one of His Majesty's Justices of the Peace, with costs of suit, upon the oath of one or more credible witness or witnesses, and levied by Warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) after deducting the costs and charges of prosecution to the offender, one half such penalties to be for the benefit of the person complaining, and the other half for the benefit of the poor of the Parish, where such offence shall be committed.

VI. And be it further enacted, That the herein before recited Acts and every part of the same, not hereby repealed, altered or amended, be, and remain in full force and virtue, any thing herein contained to the contrary notwithstanding.