

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1816. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1816.

56 George III – Chapter 13

An Act in addition to, and to explain an Act, entitled “An Act to explain and amend the Laws now in force, for regulating the exportation of Fish and Lumber.” Passed the 7th of March, 1816.

I. Be it enacted by the President, Council and Assembly, 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 with the saw, and be seven-eighths of an inch thick, except those for the 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 has a continued split of more than two feet, and is net free from wind shakes and knot holes, and which is not of equal thickness throughout, and one half of the split shall be allowed for splits—all Spares and Plank shall be marked at the butt-end, and the contents in Board measure, marked on each piece; the Surveyor shall carefully examine each side of every Board, Plank and Scantling, and shall be allowed one shilling per thousand feet of Board-measure for surveying, to be paid by the purchaser; and all persons shipping Boards, Plank and Scantling not so marked and surveyed, shall forfeit and pay ten shillings for every thousand feet so shipped by them.

II. And be it further enacted, That every Surveyor of Lumber, surveying any Boards or Plank, shall be and he is hereby required to furnish the purchaser with a Survey-bill, in which shall be set down the quantity of clear Boards, Merchantable Boards, and refuse Boards, separately.

III. And be it further enacted, That no Ton Timber squared in the Mills shall be surveyed in the water.

IV. And be it further enacted, That hardwood squared Timber if under the length of sixteen feet, shall be deemed Merchantable, provided the same be at least twelve feet long and twelve inches square.

V. And Whereas doubts have arisen, whether in and by the third Section of an Act made and passed, in the fiftieth year of His Majesty's Reign, entitled “An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber;” the party injured by the misconduct of any surveyor of Lumber, is entitled to the damages which such party may sustain, over and above the forfeiture of five shillings in the said Act specified: for remedy whereof, Be it further enacted, that the said forfeiture of five shillings shall be, and the same is hereby declared to be exclusive, and over and above the damages such Surveyor may be liable to, by reason of his misconduct as Surveyor to the party injured.

VI. And Whereas no remedy is provided in and by the said herein-before recited Act for the recovery of the said forfeiture thereby inflicted, not exceeding five shillings per Ton, and to which a

Surveyor is made liable for any conduct contrary to the provisions of the said Act: Be it therefore further enacted, That the said forfeiture shall be, and the same is hereby made recoverable before any one of His Majesty's Justices of the Peace, for the County where the offence shall be committed 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 offenders Goods and Chattels, rendering the overplus if any, after deducting the costs and charges of prosecution to the offender; one half of such forfeiture or forfeitures 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.

VII. And he it further enacted, That the second section of the said herein-before recited Act be, and the same is hereby repealed.

VIII. And be it further enacted, That the said herein-before recited Act, and the Acts to which the same is an amendment, and every part of the same not hereby repealed, altered and amended, be and remain in full force and virtue, any thing herein contained to the contrary notwithstanding.