

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1819. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1819.

59 George III – Chapter 11

An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same. Passed the 24th of March, 1819.

Whereas the Acts now in force relating to the exportation of Lumber are found inconvenient,

I. Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That 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 an 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'"—and also an Act made and passed in the fiftieth Year of His Majesty's Reign, intituled "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber"—and also an Act made and passed in the fifty-fourth 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 repealing the Laws now in force regulating the same'"—also an Act, made and passed in the fifty-sixth Year of His Majesty's Reign, intituled "An Act in addition to, and to explain an Act; intituled 'An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber,'" so far as the same relate to the article of Lumber—be, and the same are hereby repealed: and that an Act, made and passed in the twenty-sixth Year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for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,'" so far as the same relate to the article of Lumber,—be, and the same are hereby continued repealed.

II. And be it further enacted, that all square timber for the British market shall not be less than ten inches square, nor shorter than sixteen feet (Hardwood excepted, which may be twelve feet long if not less than twelve inches square)—to be square and smoothly hewed, and free from plugs, jogs, rotten knots, wind shakes, butt knots and bark—to be square butted, and the taper not to exceed one inch for every fourteen feet in length, the wane not to exceed one inch on each and every corner, where the square is under six-teen inches—from sixteen inches to twenty inches square on each and every corner, two inches wane—and from twenty-one inches square and upwards, three inches wane on each and every corner, to be measured on the waness; and the difference of the square between any of the sides, shall not exceed two inches; and no log shall have a sweep unless it has two straight sides, and such sweep shall not exceed the rate of five

inches to forty feet in length: Provided nevertheless, that timber manufactured before the first day of May next, may be deemed merchantable if it has two straight sides.

III. And be it further enacted, that all timber before exportation, shall be surveyed by a sworn Surveyor, who, in ascertaining the contents, shall girth or measure every piece in the middle, and the Contents, together with his own mark, number, and purchaser's mark, shall be marked on the butt end of every piece, and he shall furnish the purchaser and seller with one survey bill each, stating separately the number, length, girth or square, and contents of every piece; and such Surveyor shall be entitled to receive, at and after the rate of six-pence for every forty cubic feet, to be paid by the purchaser, except in the City and County of Saint John, or River Saint John and the River and Bay of Miramichi, and the several Branches of said Rivers and Bay, where the Surveyor shall be paid at and after the rate of four-pence per ton, to be paid by the purchaser.

IV. And be it further enacted, that all merchantable boards, planks, and scantling, whether for exportation or home consumption, and all clear boards, planks, or scantling, for exportation, shall be square-edged with the saw; all clear boards shall not be less than one inch thick, and merchantable boards not less than seven-eighths of an inch thick; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than nine inches wide and twelve feet long, and is not sawed of a thickness throughout, and is free from shakes, rotten knots, or worm holes; and purchasers shall not be obliged to take plank with boards, unless by special agreement so to do.

V. And be it further enacted, that all boards, planks, and scantling, shall, before exportation, be surveyed by a sworn Surveyor, who shall mark the contents in board measure, as also his own private mark, on the butt end of every piece of board, plank, or scantling, and shall furnish the purchaser with a survey bill, stating separately the number of pieces, and the quantity of clear and merchantable, and shall be entitled to receive at the rate of one shilling and three-pence per thousand feet of board measure, for surveying, except in the City of Saint John, where one shilling per thousand shall be allowed, and no private mark required, 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.

VI. And be it further enacted, that all masts shall not be less than three feet and one-fourth of a foot in length to every inch in diameter at the partners, and shall not be deemed merchantable unless free from rotten sap, bark, wind shakes, rotten knots, butt rots, and plugs; the size of every mast to be marked on the butt, and the Surveyor shall be entitled to receive at the rate of two shillings and six-pence for the survey of each and every mast; and all persons shipping masts not so surveyed and marked, shall forfeit and pay five pounds for every mast so shipped by them.

VII. 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 further 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 ten pounds for each and every offence.

VIII. And be it further enacted, that all spars be measured free of bark, at the distance of one-third of the length from the butt, to be straight and square butted; and Surveyors shall be entitled to receive at and after the rate of three-pence for each and every spar surveyed by them, from six to nine inches diameter, and at and after the rate of four-pence for each and every spar being nine inches in diameter and upwards.

IX. And be it further enacted, that no lathwood shall be deemed merchantable unless it be square butted, of straight rift, free from bark hearts and knots, to be sold by the cord of four feet high and eight feet long, to be piled as close as it can be laid; Surveyors to be allowed at and after the rate of one shilling and three-pence for inspecting and surveying each and every cord, to be paid by the purchaser.

X. And be it further enacted, that all pine shingles shall be eighteen inches long, not less than four inches wide, and three-eighths of an inch thick at the butt, free from sap and worm holes, to be put up in bundles not less than twenty inches wide, and to contain twenty-five tier or courses—four of which bundles shall be reckoned a thousand; that all cedar shingles, dressed or undressed, shall not be less than twenty inches in length, one-half of an inch thick at the butt end, and four inches wide—to be free from knot holes—and all such shingles shall be surveyed by a sworn Surveyor, who shall receive nine-pence per thousand for pine shingles, and one shilling per thousand for cedar shingles – and that cedar shingles shall be sold by tale; and all persons shipping shingles for exportation not surveyed as aforesaid, shall forfeit two shillings and six-pence for each and every thousand shipped by them.

XI. And be it further enacted, that all hogshead staves shall be forty-two inches long, and all barrel staves thirty-two inches long, and not less than three inches and a half an inch wide, and half an inch thick on the thin edge, fairly split, and free from rotten knots, splits, and shakes— also free from knot holes and worm holes; and all such staves shall be surveyed by a sworn Surveyor, who shall receive two shillings and six-pence per thousand for such survey.

XII. 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, or place where such may be necessary; which persons shall give bonds in the sum of fifty pounds, with two sufficient sureties in the sum of twenty-five pounds each, and shall be sworn to the faithful and diligent discharge of their duty, and shall continue in such office until other proper persons are appointed in their stead and on being sworn, shall deliver unto the Clerk of the Peace for the County in which they shall be appointed the private mark which they shall respectively adopt.

XIII. And be it further enacted, that if any Surveyor of Lumber shall pass any timber, masts, boards, plank, scantling, or any other kind of Lumber, contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him, and be subject to the following penalties, namely: for every ton of timber so passed, the sum of two shillings and sixpence; for every thousand feet of boards: the sum of five shillings; for every mast, the sum of

ten shillings; for every spar, the sum of one shilling and six pence; for every thousand of shingles, the sum of two shillings and six-pence; for every thousand staves, the sum of five shillings.

XIV. And be it further enacted, that it shall and may be lawful for any Surveyor to survey Lumber in any part of the County in which he is appointed.

XV. And be it further enacted, that one-half of all the forfeitures or fines arising by virtue of this Act, shall be to the person or persons who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed five pounds, shall be recoverable, together with the costs of prosecution, before any one of His Majesty's Justices of the Peace of the County where such offence shall have been committed or where the same shall be more than five pounds, and shall not exceed ten 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, shall suffer not less than three, nor more than forty days imprisonment; and in case such forfeiture, or the value thereof shall exceed ten pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province competent to try the same, with costs of suit.

XVI. And be it further enacted, that all prosecutions by force of this Act, shall be commenced within six months from and after the time such offence was committed.

XVII. And be it further enacted, that this Act shall be publicly read by the Clerks of the Peace annually at the opening of the Court of General Sessions of the Peace, at which the appointment of Town or Parish Officers is made.