

the person or persons who knowingly shall have shipped or caused the same to be shipped for Exportation without having been so surveyed and measured.

III. *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 a sufficient number of fit persons to be Surveyors of Lumber in each County, Town, or place, where such may be necessary; which person shall give Bonds in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds currency each, and he shall take and subscribe the following oath before any one of His Majesty's Justices of the Peace, who is hereby authorized and required to administer the same without any fee, that is to say:—

"I do solemnly swear, that I will faithfully, truly, and impartially, to the best of my knowledge, skill, and ability, execute, do, and perform the office and duty of a Surveyor of Lumber, according to the true intent and meaning of an Act, intituled 'An Act to regulate the Exportation of Lumber, and to repeal the Act now in force relating to the same,' and that I will give a true and faithful account of the number, dimensions, or measurement of all such Lumber as may be submitted to my inspection and judgment, according to the best of my knowledge, and that I will not directly or indirectly be a dealer in, or interested in the buying or selling of any article of Lumber, either on my own account or on account of any person or persons whatsoever, and that I will not at any time purloin or wilfully change any article of Lumber, that may be delivered or intrusted to me for the purpose of being so surveyed." Which oath every such person shall deliver unto the Clerk of the Peace for the County in which he shall be appointed, together with the private mark which he shall adopt, and the said Clerk of the Peace is hereby required to grant a Certificate to every such person of his having taken and subscribed the said oath, and the said Persons shall thereafter continue in such office until the annual appointment of Parish Officers, and it shall be lawful for them to survey Lumber in any part of the County in which they are appointed, and it shall be their duty respectively, personally, diligently, and carefully, to ascertain the qualities of the articles submitted to their inspection, and after rejecting all such as in their judgment may appear to be in any respect objectionable under this Act, of which each Surveyor is hereby required to provide himself with a copy, they shall furnish the buyer and seller each with a true and faithful account in writing, of the number, dimensions, or measurement of the articles they shall respectively find to be merchantable, and every such account duly certified under the hand of a Surveyor shall be final and conclusive between the buyer and seller. *Provided also,* that if any dispute shall arise between the buyer and any of the Surveyors, and the buyer and seller of any article of Lumber, the buyer may call upon three skillful and disinterested persons, duly appointed Surveyors under this Act, whose duty it shall be to examine and re-survey the said Lumber, and their determination, or any two of them, shall be final and conclusive, and if the opinion of the first Surveyor shall be confirmed, then the buyer is to pay the expense of the re-survey, if not confirmed, the expense to be paid by the first Surveyor: *Provided also,* that if any Surveyor shall pass any article 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 or them, and be subject to the following penalties, namely: for every forty cubic feet of Timber so passed, the sum of two Shillings and Sixpence; for every thousand superficial feet of Deals, Planks, Boards, or Scantling, the sum of five Shillings; for every Mast, the sum of five Shillings; for every Spar, the sum of one Shilling; for every thousand Shingles, the sum of two Shillings and Sixpence; for every thousand Staves, the sum of three Shillings; and for every cord of Lathwood, the sum of two Shillings and Sixpence: *Provided also,* that if any Surveyor shall at any time be found guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account of the article or articles submitted to him for inspection as aforesaid; or of knowingly marking, or shipping, or causing to be marked or shipped, any article of Lumber surveyed by him of unmerchantable size, quality, or manufacture, or in any manner, contrary to what is required by Law, for exportation, shall be

dismissed from his office, and be incapable of ever after holding such situation or employment.

IV. *And be it further enacted,* That all and every Surveyor who shall wilfully and knowingly change any article of Lumber delivered or submitted to him or them to be surveyed, by substituting any other article or articles of Lumber of a like description with that which may have been delivered to him or them for the purpose aforesaid; or who shall buy or sell, directly or indirectly, or be a dealer in, or interested in the buying or selling of any article of Lumber, either on his own account or on account of any person or persons whatsoever, shall upon being lawfully convicted of each, or either, and every offence as aforesaid, incur a forfeiture or penalty not exceeding fifty pounds, nor less than one pound currency.

V. *And be it further enacted,* That in all cases where there is no specific agreement between the buyer and seller for a superior quantity of Lumber, the Surveyors shall respectively be governed by the following rules, in ascertaining the merchantable qualities of Lumber submitted to their inspection, respectively, that is to say: 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 lusted, and the taper not to exceed one inch for every twenty feet in length, the wane not to exceed one inch on each and every corner; when the square is under sixteen 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 waners in the middle of the stick, and the difference of the square between any of the sides, shall not exceed two inches, and no piece of Timber shall have a sweep, unless it has two straight sides, and such sweep shall not exceed the rate of four inches to thirty-five feet in length; no Log shall be jugged on any pretext that can possibly be lined in one piece, but if unavoidably necessary to be made into two pieces, the top end to be lined down as near the root as the crook of the tree will admit, in order that the top piece be as long as possible, the jogs to be all cut, the ends and sides to be free from rot or decayed stains, ring shakes, butt rots, concase, or rotten knots, decayed sap, worm holes, large case or solid knots, or other defects, and no piece shall be bored in rafting or otherwise, at a greater distance than twelve inches from the ends: 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: dimension Deals shall be cut to the lengths, ten, twelve, fourteen, sixteen, eighteen, twenty, and twenty-one feet in length; to the breadths of nine inches, and of eleven inches; to the thickness of three inches, each having an allowance of one inch, and not exceeding two inches on the length; of one fourth of an inch, and not exceeding one half of an inch on the breadth; of one eighth of an inch and not exceeding one fourth of an inch on the thickness; to be sawed smooth and fair, of equal width and thickness at both ends, to be lusted at both ends with a saw, the stubshot to be sawn off, to be free from rots, sap stains, large knots, rents, shakes, worm holes, and auger holes; all merchantable boards, plank, and scantling, shall be square edged with the saw; all clear boards shall not be less than one inch thick, and merchantable 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 twelve feet long, and nine inches wide, and is not sawed of a thickness throughout, to be free from rots, sap stains, large knots, rents, shakes, worm holes, wane and auger holes; and purchasers shall not be obliged to take planks with boards, unless by special agreement, the breadth of the plank and boards to be taken at the middle for measurement, the stubshots of all boards, plank, and scantling for exportation, shall be sawed off at the Mills where they are manufactured, previous to being surveyed: *Provided always,* that the modes of sawing off the stubshotting of boards, shall not extend to boards manufactured on the River Saint John and its branches. Masts shall not be less than three feet and one fourth of a foot in length, to every inch of diameter; to be hewed smoothly and reduced sufficiently to show the real wood free from sap on the centre of all the four sides at the partners; to be as small at the butt as at

the partners, and of proportionate and full size at the top; to be straight, free from rot or decayed stains, ring shakes, butt rots, concase or rotten knots, decayed sap, worm holes, case knots, large knots at top, bark on the waners, auger holes and other defects, and to be square butted; the diameter for measurement to be taken at the partners one third from the butt, exclusive of sap: Spars shall be of straight growth, free from large knots, rots, and other defects, to be of a proportionate size at top with the butt, to be square butted, and the diameter for measurement to be taken at one third of the length from the root, exclusive of bark, and to be four and one half feet in length for every inch in diameter, where the spar exceeds nine inches in a diameter, and five feet at least for all spars under nine inches in diameter: Lathwood shall be of fresh growth, straight rift, free from bark, hearts, knots, and splinters, to be measured by the cord of four feet high and eight feet long, and piled as close as it can be laid: 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-five tier or courses to twenty inches wide, four of which bundles shall be reckoned a thousand: Cedar Shingles for exportation, shall be half an inch thick at the butt, the said thickness to be continued three fourths of the length, and shaved from thence to the point, and shall also be from four to four and one half inch wide throughout, and that the account shall be taken by tale of ten hundred to the thousand; and that all Pine Shingles manufactured in the same manner, shall be subject to the like rules and regulations: Hoghead Staves shall be forty-two inches long, three fourths of an inch thick on the thinnest edge, and not exceeding one inch on the back, and shall also be from three and one half inch, to five and one half inches wide: Barrel Staves shall be thirty two inches long, one half inch thick on the thinnest edge, and not exceeding three fourths of an inch thick on the back, the whole to be of good rift, free of twists, fairly split, and free from knot holes, rotten knots, worm holes, and shakes, and that the account shall be taken by tale of twelve hundred to the thousand: *Provided also,* that in all cases where it shall appear that Timber, Deals, Planks, Boards, or Staves, are not properly lined, squared, butted, and edged, the same being merchantable in other respects, it shall be the duty of the Surveyors, respectively, and they are hereby severally authorized and required, to order or cause such Timber to be properly lined, squared, and butted; such Deals, Planks, or Boards, to be properly edged and butted, and such Staves to be properly reduced at the expense of the seller: *And whereas,* certain articles of Lumber are measured afloat and cannot then be properly seen or inspected, it shall in such cases be the duty of the Surveyors, and they are severally hereby authorized and required, to re-examine all such Lumber, either before or at the time of shipment, and shall furnish the buyer and seller each with a true and faithful return of the same, and such re-survey shall be final and conclusive between the parties: *Provided always,* that the purchaser of any Lumber, shall not be allowed to re-survey any Timber by him so purchased on the account, or at the risk of the seller, after he has had the same in possession more than twelve months.

VI. *And be it further enacted,* That each of the Surveyors so appointed, shall score or mark in large and legible figures or characters, on the butt end of each piece of Timber inspected by him, his own mark, the length, the purchaser's mark, and the contents;—Masts shall be marked in like manner, having, instead of contents, the diameter at the partners;—Deals shall be marked with lead, on the end, with length, breadth, thickness, and superficial contents, and Boards with the superficial contents, and the surveyor's private mark.

VII. *And whereas,* the Lumber Trade has heretofore sustained much injury by reason of Surveyors of Lumber becoming the keepers and insurers of Lumber so surveyed by them: *Be it therefore enacted,* That it shall not be lawful for any Surveyor of any article of Lumber by him surveyed, to become the keeper or the insurer of the same Lumber.

VIII. *And be it further enacted,* That the Persons so appointed Surveyors as aforesaid, shall respectively be entitled to ask, demand, and receive, for their skill and labour in surveying and re-examining, at and after the following rates, that is to say; for every forty cubic feet of Timber, Fourpence; for every thousand superficial feet of