

XVII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five. Limitation.

## CAP. LXXXI.

An Act to regulate the Survey and Exportation of Lumber.

Passed 14th April 1845.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of May next, no Lumber of the descriptions hereinafter mentioned shall be shipped for Exportation from this Province, until the same shall have been surveyed and measured, as hereinafter directed, under the penalty for every offence not exceeding fifty pounds, nor less than five pounds currency, to be forfeited and paid by the person or persons who knowingly shall have shipped or caused the same to be shipped for Exportation, without having been so surveyed or measured.

No Lumber to be shipped for exportation previous to survey.

Penalty.

II. And be it enacted, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions annually, to appoint a sufficient number of fit persons in their respective Counties to be Surveyors of Lumber in each County, Town or place where such may be necessary; which persons so appointed shall enter into Bonds to Her Majesty, Her Heirs and Successors, in the sum of one hundred pounds, with two good and sufficient Sureties in the sum of fifty pounds each, conditioned for the due performance of his duty as Surveyor of Lumber, to be filed in the Office of the Clerk of the Peace in such County, and shall take and subscribe the following oath, before one of Her Majesty's Justices of the Peace, or before the Clerk of the Peace for the County in which he may be appointed, either of whom 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 Survey and Exportation of Lumber*, 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, according to the best of my knowledge, and that I will not survey any Lumber in which I may be directly or indirectly interested, otherwise than for the compensation prescribed in the said Act, and that I will not change any article of Lumber that may be delivered or intrusted to me for the purpose of being so surveyed."- Which affidavit every Surveyor so appointed and sworn 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 of his having filed the said Bond, and to furnish him with a copy of this Act, for which copy so furnished he is to receive one shilling from the Sessions of said County; and it shall be lawful for them to survey Lumber in any part of the County in which they shall be 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 opinion may appear objectionable under this Act, so far as the same can be then ascertained, (of which each Surveyor is hereby required to provide himself with and retain a copy) they shall, when required, furnish the buyer and seller each with a true and faithful account in writing, of the number, length, dimensions or measurement of the articles they shall respectively find to be merchantable; Provided always, that when any dispute shall arise between the buyer or seller and the Surveyor, and a re-survey shall be required, it shall and may be lawful for the party requiring such re-survey, and for the said Surveyor respectively, to choose one disinterested Surveyor, duly appointed under this Act, which two Surveyors so appointed, shall choose a third disinterested Surveyor duly appointed under this Act, whose duty it shall be to examine and re-survey said Lumber, and the decision of the said three Surveyors, or any two of them, as to the said re-survey, shall be final and conclusive; and when such dispute shall arise between the buyer and seller, it shall and may be lawful for the party who shall have had the choice of the first Surveyor, to choose one disinterested Surveyor, and for the other party to choose two disinterested Surveyors, which said three Surveyors so chosen shall proceed to examine and re-survey the said Lumber, and the decision

Appointment of Surveyors of Lumber authorized.

Surveyors to give Bonds and be sworn.

Oath.

Affidavit and private mark to be delivered to the Clerk of the Peace.

Duty of Surveyors.

Disputed Surveys how to be settled.