

Regulations for
Lumber measured
afloat, and proving
unmerchantable.

VIII. 'And whereas certain articles of Lumber are measured afloat, and cannot conveniently be inspected;' Be it therefore enacted, that when such Lumber or any part thereof shall prove unmerchantable, it shall be the duty of such purchaser or purchasers of such Lumber to give the seller or sellers, or his or their agent, ten days notice that such Lumber has so proved unmerchantable, in order that the same may be removed; and if the seller or sellers, or his or their agent, shall not within the time of such notice given as aforesaid, apply for such Lumber, and remove the same from the possession of such purchaser or purchasers, then the said purchaser or purchasers shall, and he or they are hereby required to call upon the Surveyor who first measured such Lumber, or some other Surveyor, which Surveyor shall examine the said Lumber so found defective, and take an account of the marks and contents of the same, and the purchaser shall put or cause the said Lumber to be put in Merchantable order under the superintendence of such Surveyor, by having the same overhauled, lined, hewed, sawed or repaired in any way that may be thought advisable by such Surveyor, and the purchaser or purchasers shall be at liberty to charge the seller or sellers of such Lumber with the expense of putting the same in order as aforesaid, and with any deficiency thereon; which said expense and deficiency shall be kept account of and estimated by such superintending Surveyor; Provided always, that no purchaser or purchasers of any Lumber shall be allowed to have the same repaired or re-surveyed at the risk or expense of the seller or sellers, after he has had the same in possession more than twelve months; And provided also, that the seller or sellers of any Lumber, in order to avail himself or themselves of the provisions contained in this section, if he or they reside more than twenty miles from the place where such sale is made, shall at the time of making sale of any such Lumber, nominate and appoint an Agent or Agents to attend to such unmerchantable Lumber, and the person or persons so nominated and appointed Agent or Agents, shall be made known to the purchaser of such Lumber at the time of such sale and purchase; and provided that nothing in this Section shall extend or be construed to extend to Pine and Spruce Saw Logs.

No repairs or re-survey allowed after twelve months' possession.

Plugging Timber and Masts.

IX. 'And whereas some evil disposed persons are in the habit of plugging or wedging Timber and Masts for the purpose of passing such Timber, Masts or Spars, by such deceptions, as Merchantable;' Be it therefore enacted, that any person or persons convicted of plugging any Timber, Spars or Masts, when any defect is covered by such plugging or wedging, shall be liable to pay a fine of five pounds currency for each and every offence, to be recovered in like manner as other penalties of like amount in this Act.

Penalty.

Directions for marking Timber, Masts and Spars.

X. And be it enacted, That each of the Surveyors so appointed shall mark or score in large and legible figures or characters on one of the sides near the butt end on each piece of Timber inspected by him, his own mark, the length, the purchaser's mark, and contents, and shall at the place of girding the same, mark or score the girth thereof for measurement; Masts and Spars shall be marked in the same manner, having instead of the contents the diameter at the partners; Provided always, that any person or persons adopting or using the private mark of any Surveyor of Lumber under this Act, by placing the same upon any piece of Timber, Scantling, Mast, Spar or other article of Lumber, other than such Surveyor of Lumber, shall be for each and every offence liable to the penalty of five pounds currency, to be sued for and recovered as is prescribed in all penalties of the like amount in this Act.

Improper use of a Surveyor's private mark.

Penalty.

Penalty for surveying Lumber for exportation before filing Bond or taking oath of office

XI. And be it enacted, That if any person appointed to be a Surveyor in any Town or Parish, or any other person whatsoever, shall measure or survey any Lumber intended for Exportation, before filing Bond or taking the oath required in and by the second section of this Act, such person so measuring or surveying any Lumber as aforesaid, shall, upon conviction thereof, forfeit and pay the sum of five pounds, to be recovered in like manner as other penalties of like amount in this Act.

Application of Penalties.

XII. And be it enacted, That one half of the forfeitures or fines arising by virtue of this Act shall be paid to the person or persons who shall sue for the same, and the other half to the Overseer of the Poor or the Commissioners of the Alms House, as the case may be, of the Parish in which such forfeitures shall have been incurred, for the use of the Poor of said Parish; and where any of the penalties imposed by this Act shall not exceed five pounds, they shall be recovered, together with costs of prosecution, before any one of Her Majesty's Justices of the Peace of the County in which the offence shall be committed; and where the

Recovery.