

ashes, or participates in any transaction or profit arising therefrom, other than the fees or emoluments or privileges granted by this Act, or who permits any person employed by him to retain or keep any pot or pearl ashes, or who brands knowingly any barrel of ashes otherwise than as directed by this Act, or who does not conform with all the provisions of this Act required of him, shall for every such offence incur a penalty not exceeding four hundred dollars, and be thereafter disqualified from holding the office of inspector or joint inspector; and any inspector or clerk, or other person who makes, or causes to be made a false or fraudulent bill of ashes, shall be guilty of felony, and shall be punishable by imprisonment with hard labour in the provincial penitentiary for any term not exceeding seven years.

27. The inspector or joint inspectors as aforesaid shall keep his or their storehouse open for the reception and delivery of ashes on every lawful day between the hours of six o'clock in the morning and six in the evening, and shall within two hours after the opening of the store, proceed to inspect any pot or pearl ashes when required to do so by the owner, or his agent (unless he be then engaged in inspecting), and for every failure on his part to comply with such requisition, shall forfeit the sum of twenty dollars to the use of the person so delayed.

When the store is to be opened.

Inspector bound to act when called upon.

Every person who counterfeits any of the aforesaid brand marks of any inspector of pot and pearl ashes, or without the authority of such inspector, impresses or brands the same, or any other mark purporting to be the mark of any inspector appointed under this Act, or who brands or marks the name of any other manufacturer of pot or pearl ashes, or any barrel containing pot or pearl ashes, or who empties any barrel of pot or pearl ashes branded as aforesaid by an inspector or manufacturer, in order to put therein other pot or pearl ashes for sale or exportation, without first cutting out the said brands or marks, or who fraudulently packs in a barrel any other substance than the pot or pearl ashes packed in the same by the inspector or manufacturer; or any person in the employ of an inspector or manufacturer of ashes who hires or loans out the brands or marks of his employer to any place whatever, or is privy to any fraudulent evasion of this Act, shall for every such offence incur a penalty of not less than two hundred, or more than four hundred dollars.

Penalty for counterfeiting any brand of any inspector or manufacturer.

28. Nothing in this Act shall prevent any person from exporting pot or pearl ashes without inspection.

Ashes may be exported without inspection.

29. Every penalty and forfeiture imposed by this Act shall be recoverable by any inspector, or any other person suing for the same, and if the same shall not exceed forty dollars, it may be recovered in a summary way, in any court having civil jurisdiction to the amount, or before any one Justice of the Peace, and if the same exceed forty dollars then the same shall be recoverable by any inspector or any other person suing for the same, in any court having civil jurisdiction to the amount, and every penalty or forfeiture imposed by this Act shall on failure of payment be levied by execution, as in the case of debt; and one moiety of every such penalty and forfeiture, when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the treasurer of the corporation of the city or place wherein the action or prosecution is brought, for the public uses of the said city or place respectively, and the other moiety shall belong to the person suing for the same, unless the action be brought by an officer of such corporation, in which case the whole shall belong to the corporation.

Recovery and application of fines and forfeitures under this Act.