

the mill be found on his premises.

workman, and the person claiming to be the owner thereof shall prove to the satisfaction of some Justice of the Peace having jurisdiction in the premises, that such lumber belongs to him, it shall be deemed to be the property of the owner of such mark, unless the manufacturer shall show he became possessed of the same in some lawful manner; and in case such manufacturer shall be convicted of having obtained possession thereof by unlawful means, he shall be sentenced to pay a fine of not less than *fifty shillings* nor more than *ten pounds*, and in default of payment shall be committed to the common gaol of the county for any period not exceeding thirty days, and for every deal, plank, scantling, or other sawed lumber so found with such mark, not his or their own, shall restore to the owner the lumber found in his possession two hundred feet of the same quality of lumber within twenty-four hours after judgment is given against him by the Magistrate, and in default the Magistrate before whom any such case shall be tried, shall add an amount equal to the value of said lumber to be restored, to the execution, and shall issue his warrant for the collection of the same, and shall cause the same to be paid over to the party complaining, after deducting the fine and costs in the case.

A Search Warrant may issue for saw-log or timber sworn to be detained illegally in any boom or yard, &c.

V. If the owner of any saw-log or timber, or his agent or servants shall have good and sufficient reason to believe that such property is in the boom or yard, or upon the premises of any owner of occupier of a saw-mill, and such owner or occupier shall refuse to the party so claiming such property the right to enter upon his or their premises to search for the same, either by himself or agent, or if found thereon, shall refuse to deliver up such property to the party so identifying the same by his marks, then it shall be lawful for the party claiming such property, or his agent or servant, to apply to any Justice of the Peace having jurisdiction within the limits, for a search warrant, and if upon the affidavit of either of the parties aforesaid, such Justice of the Peace shall be satisfied that there is good reason to suppose that such property is in the possession of the party designated, he shall grant a search warrant for the same, directed to some constable of the county, and to the owner, his agent or servant: Such search warrant shall be in the usual terms of such instruments, and if upon search such property shall be found, then the officer in charge of the warrant shall remove the property and place the same in the possession of the owner, and shall by virtue of the warrant aforesaid apprehend and bring before the Magistrate the person or persons in whose possession such property was found; And if upon the hearing of the case no sufficient reason shall be assigned by the parties arrested for their having possession of the property, then he or they shall be fined in any sum not exceeding *ten pounds*, and in default of payment shall be committed to the common gaol of the county for any period not exceeding thirty days; Provided always, that in making such search no unnecessary damage or injury shall be done to the property of the person or persons supposed to have possession of the same: And provided also, that it shall not be lawful for any Magistrate or other Justice of the Peace to grant any such warrant upon the mere supposition of any individual, but the affidavit shall in all cases set forth the grounds for believing the property to be in the party's possession, and it shall be from facts within the knowledge of the party making the affidavit, and not from hearsay or common report.

Owner of boom or yard to be arrested and fined, &c., if the charge be proved.  
Proviso.

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