

Penalty for
sawing up
logs having
strangers'
marks.

IV. Any servant or workman employed by the owner or occupier of a saw mill, who shall saw up or superintend the sawing up of any log or other timber, marked with any other marks than those exhibited in the mill where he shall be at work, and which are claimed to be the marks of his employer, or the marks of the customers of his employer, or who shall cut off or deface any mark on any saw-log or other timber, not the mark of his employer, or the mark of the customers of his employer, shall upon conviction before any magistrate be fined in any sum not less than *two* pounds *ten* shillings, nor more than *ten* pounds for each saw log, and in default of payment shall be sent to the Common Gaol of the County for any period not exceeding thirty days.

Penalty on
persons hav-
ing in their
possession
sawed lumber
bearing marks
to which they
have no claim.

V. If any board, deal, or other piece of sawed lumber, upon which any other mark than that of the owner or occupier of the mill premises shall be found in any pile of lumber, in the possession of the person who shall have manufactured the same, or in the possession of his agent or workman, 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 of conviction 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 sent to the Common Gaol of the County for any period not exceeding 30 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 24 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.

Search war-
rant for lum-
ber may be
granted in
certain cases.

VI. 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 or 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 for 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 all such instruments; and if upon search such property shall be found, then the officer in charge of said 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 confined in the common gaol of the County for any period not exceeding thirty days; Provided

Form of war-
rant and pro-
ceedings
thereon.

Proviso.