

in keeping pails, strainers, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, either verbally or in writing ; or any butter or cheese manufacturer who shall knowingly and fraudulently use, or direct any of his or her employees to use for his, her, or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for each and every offence, forfeit and pay a sum of not less than one dollar, nor more than fifty dollars, in the discretion of the presiding Justices before whom the case shall be heard.

2. Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power in case the penalty awarded by them be not forthwith paid, upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant, under their hands and seals, or the hands and seals of any two of them ; and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining and one-half to the treasurer of the municipality, district, or place where the offence shall have been committed ; and, in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day, nor more than twenty days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment, be sooner paid.

3. Any party aggrieved by such fraudulent conduct as aforesaid, may, at his or her election, sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same, with the costs, according to the ordinary practice of the court in which such suit shall be brought.

4. Provided always, that no Justice or Justices having any pecuniary interest in any such butter or cheese manufactory, as aforesaid, shall hear or determine any such complaint.

5. In case of summary proceedings under this Act, any person, complainant or defendant, shall have the right of appeal as provided in Chapter one hundred and fourteen of the Consolidated Statutes of Upper Canada.