

the proprietor or possessor of the Pot or Pearl Ashes, and the third by the Justices of the Peace, requiring the said three persons immediately to examine and inspect the same according to the provisions of this Act, and report their opinion of the quality and condition thereof under oath, 5 (which oath the said Justice of the Peace is hereby authorized and required to administer) and their determination or that of a majority of them, shall be final and conclusive, whether approving or disapproving of the judgment of the Inspector or his Assistant, who shall immediately attend thereto, and brand or cause to be branded, each and every barrel 10 of the qualities directed by such determination according to the provisions of this Act; and if the opinion of the Inspector or his Assistant be thereby confirmed, the reasonable costs and charges of re-examination to be ascertained and awarded by the said Justice, shall be paid by the proprietor or possessor of the Pot or Pearl Ashes, if otherwise, by the 15 Inspector.

Costs.

XX. And be it enacted, That nothing herein contained shall be construed to prevent any person from exporting Pot and Pearl Ashes, without inspection; Provided that on one end of the barrel, containing the same, there shall be neatly and legibly branded or marked, the name 20 and address of the Manufacturer, the weight and tare of the cask and the quality of Ashes contained in it; but any person who shall export any Pot or Pearl Ashes, not so marked as aforesaid, or shall wilfully mark any such barrel falsely, shall thereby incur a penalty of *five pounds* currency.

Inspection not obligatory on any person. Proviso: as to Ashes not inspected.

XXI. And be it enacted, That all fines, penalties and forfeitures imposed by this Act, not exceeding ten pounds currency, shall be recoverable by the Inspectors, their Assistants or any other person suing for the same, in a summary way before any two of Her Majesty's Justices of the Peace of the District, and shall, on failure of payment be levied 30 by warrant of distress to be issued by such Justices against the goods and chattels of the offender; and when the same shall exceed the sum of ten pounds currency, they shall be sued for and recovered by bill, plaint or information or action before any Court of competent jurisdiction, and levied by execution as in the case of debt; and moiety one of all 35 such fines and forfeitures when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the City, Town or place wherein the said action or prosecution shall have been instituted, and shall remain at the disposal of the Corporation thereof for the public use of the said City, Town or place respectively, and the other moiety shall belong to the person who shall sue for the same, unless the action be brought by an officer of such Corporation, in which case the whole shall belong to the Corporation for the use 40 aforesaid.

Recovery and application of fines and forfeitures under this Act.

XXII. And be it enacted, That if any action or suit be brought or 45 commenced against any person or persons for anything done in pursuance of this Act, such action or suit shall be commenced within twelve months next after the matter and thing done and not afterwards: and the Defendant or Defendants in such suit or action may plead the general issue and give this Act, and the special matter in evidence at 50 any trial to be had thereon, and if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall be

Limitation of actions for things done under this Act.