

receive such Ashes or to make such examination and inspection, shall, for each such offence, forfeit the sum of *five pounds* current money, to the use of the person or persons so delayed.

Punishment for counterfeiting brand marks, &c.

XVIII. If any person or persons shall counterfeit any of the aforesaid Brand marks of the Inspector, or shall impress or brand the same, knowing the same to be counterfeit, on any barrel or barrels of Pot or Pearl Ashes, or any other mark or marks purporting to be the mark or marks of the Inspector or of any Manufacturer of Pot and Pearl Ashes, either with the proper marking tools of such Inspector or Manufacturer, or with counterfeit representations thereof, or who shall empty any barrel or barrels 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 Brand marks, or shall fraudulently pack therein any other substance than the Pot or Pearl Ashes packed in the same by the Inspector or Manufacturer; and if any person in the employ of any Inspector or Manufacturer of Pot and Pearl Ashes, shall hire or loan out the marks of his employer to any person whatsoever, or shall connive at or be privy to any fraudulent evasion of the provisions of this Act, such person or persons shall, for every such offence, forfeit and incur a penalty of *fifty pounds* current money of this Province.

Mode of settling disputes as to quality of Ashes.

XIX. If any dispute shall arise between any Inspector or Assistant Inspector and the proprietor or possessor of any Pot or Pearl Ashes, with regard to the quality thereof, then upon application to any one of Her Majesty's Justices of the Peace for the district in which such Inspector or his Assistant shall act, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one whereof to be named by the Inspector or his Assistant; another by the proprietor or possessor of the Pot or Pearl Ashes, and the third by the Justice 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, (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 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 Inspector.

Costs.

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

XX. 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 and address of the manufacturer or packer, 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.

Recovery and application of fines and forfeitures under this Act.

XXI. 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.