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No. 259.

1st Session, 4th Parliament, 16th Victoria, 1853.

BILL.

An Act to regulate the Inspection of Pot
and Pearl Ashes.

Received and read a first time, Monday, 28th
February, 1853.

Second reading, Tuesday, 8th March, 1853.

HON. MR. HINCKS.

QUEBEC:

PRINTED BY JOHN LOVELL MOUNTAIN STREET.

An Act to regulate the Inspection of Pot and Pearl Ashes.

WHEREAS it is expedient to repeal the Act of the Parliament of the Province of Canada hereinafter mentioned, and to make better provision for the Inspection of Pot and Pearl Ashes ; Be it therefore enacted, &c.,

5 That upon from and after the day on which this Act shall come into force, the Act of the Parliament of the Province of Canada, passed in the sixth year of Her Majesty's Reign, and intituled, "*An Act to regulate the Inspection of Pot and Pearl Ashes,*" shall be and the same is hereby repealed ; Provided always, that nothing herein contained shall revive any Act or law repealed or suspended by the Act above cited, but such Acts and laws and all other Acts or Ordinances or laws in force in either section of the Province, when this Act shall come into operation, relating to the Inspection, storing and branding of Pot and Pearl Ashes, and the appointment and compensation of Inspectors, shall be and the same are hereby repealed.

Act 6 V., c. 6,
repealed.

Proviso : repealed Acts
not revived.

II. And be it enacted, That from and after the period when this Act shall come into force and effect, no Pot or Pearl Ashes shall be inspected in barrels of any size or description other than the following, that is to say : Pot Ashes, in barrels to be constructed of oak or white ash timber ; and Pearl Ashes, in barrels to be constructed of oak, white ash, black ash, or elm timber ; the said timber to be of the best description and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least, fourteen sound oak, ash, hickory, blue beech or elm hoops each ; the said barrels shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor shall be less than thirty inches in length by twenty inches in diameter on either head, and the chime thereof shall not exceed one inch ; Provided always, that it shall be the duty of the Inspectors of Ashes hereinafter mentioned, to reject all barrels that may not be constructed according to the directions above specified, or that may, in their opinion, be insufficient to resist the tear, wear and usage to which they may be exposed : And provided further, that from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted, any law, usage or custom to the contrary in anywise notwithstanding :

35 And provided further, that every manufacturer of Ashes shall be bound to mark, in legible characters, on the end of each barrel, before the same is filled, the exact weight thereof.

Description of
barrels in
which only
Ashes shall be
inspected.

Proviso.

Proviso.

Proviso.

III. And be it enacted, That all licenses or commissions heretofore issued, or which may, at any time hereafter previous to the first day of January, one thousand eight hundred and fifty-four, be issued for the appoint-

Licenses exist-
ing imme-
diately before
1st January,

1854, to be cancelled on that day.
 Proviso: Retiring Pension to E. M. Leprohon.

ment of any Inspector or Inspectors of Pot or Pearl Ashes in this Province, shall on, from and after the said last mentioned day, be revoked and rendered null and void: Provided always, that inasmuch as Edouard Martial Leprohon, Inspector of Ashes for the City of Montreal, has, in consequence of his advanced age and his infirmities, expressed his 5 willingness to resign the said office, on from and after the said first day of January, one thousand eight hundred and fifty-four; it is therefore enacted, that from and after the said last mentioned day there shall be paid annually to the said Edouard Martial Leprohon, by the person who may be hereafter appointed to the office of Inspector of Ashes for the City 10 of Montreal, the sum of four hundred pounds current money of Lower Canada, in and by even and equal quarterly payments of one hundred pounds current money aforesaid, each, the first payment whereof to be made on the first day of April, one thousand eight hundred and fifty-four, and thence to continue during the natural life of the said Edouard Mar- 15 tial Leprohon; Provided further that the person to be so appointed to the office of Inspector after the retirement of the said Edouard Martial Leprohon therefrom, shall be bound to pay to him the above mentioned sum from and out of the revenues of the said office, immediately after the necessary expenses of the same are defrayed, and before the appro- 20 priation of any portion of the remainder of the said revenue to any other purpose whatever.

Such pension to be the first charge on the emoluments of the office after the necessary expenses.

Boards of Trade, &c., to appoint Board of Examiners.

IV. And be it enacted, That from and after the coming into force of this Act, it shall be lawful for the Board of Trade in the Cities of Quebec, Montreal and Toronto, and in the Town of Kingston, respectively, and 25 for the Municipal Authorities in other places where Inspectors may be required for the purposes of this Act, to appoint a Board of Examiners of applicants for the office of Inspector Pot and Pearl Ashes, and from time to time to remove such Examiners and appoint others in their stead; and such Board of Examiners shall, in the Cities of Quebec and Montreal 30 respectively, consist of five, and in other places, of three, fit, proper and skilful persons, resident in the place or in the immediate vicinity of the place for which they are respectively to act; and such Examiners shall, before acting as such severally take, and subscribe the following oath before any one of Her Majesty's Justices assigned to keep the Peace within the 35 Territorial Division in which such Examiners shall respectively reside, and such Justice is hereby required and authorized to administer the same: "I, " A. B., do swear that I will not, directly or indirectly, personally or by " means of any person or persons in my behalf, receive any fee, reward " or gratuity whatever, by reason of any function of my office of Exa- 40 " miner, and that I will therein well and truly, in all things act without " partiality, favour or affection, and to the best of my knowledge and " understanding: So help me God."

Oath of office of Examiners.

Mayor of each City, &c., to appoint an Inspector for the same, &c.

V. And be it enacted, That the Mayor of the said City of Quebec, Montreal and Toronto, or of the Town of Kingston, for the time being, 45 and the Warden or Chief Municipal Officer of any other place, as aforesaid, for the time being, shall and may, from time to time, by an instrument under his hand and the seal of the Corporation, nominate and appoint an Inspector of Pot and Pearl Ashes for the said Cities, Towns, and other places, as aforesaid, respectively, and may, from time to time, 50 on a representation to the said Mayor, Warden or Chief Municipal Officer, by the Council of the Board of Trade of the said Cities, Towns or places,

respectively, remove any such Inspector, and appoint another in his
 stead; but no person shall be appointed as such Inspector, who shall not,
 previously to his appointment as such, undergo an examination before
 the Board of Examiners for the same place, as to fitness, character and
 5 capacity, in the manner hereinafter provided; nor shall any person be so
 appointed as Inspector of Pot and Pearl Ashes unless approved of and
 recommended as such by the Board of Examiners, or a majority of them,
 pursuant to such an examination; nor in any place in which there shall
 be a Board of Trade, except on the requisition of such Board, with which
 10 the Mayor or Chief Municipal Officer shall be bound to comply; and be-
 fore any Inspector shall act as such, he shall furnish two good and suffi-
 cient Sureties, who shall be bound with himself, for the due performance
 of the duties of his office, in the sum of one thousand pounds, currency,
 each, if such Inspector be appointed for Montreal, and in the sum of two
 15 hundred and fifty pounds, currency, if such Inspector be appointed for
 the City of Quebec or Toronto, or for any other place for which an In-
 spector may be appointed; and such Sureties shall be approved by the
 Mayor, or Warden, or other Chief Municipal authority by whom such
 Inspector shall have been appointed, and a Bond shall be executed to
 20 Her Majesty, Her Heirs and Successors, in the form used with regard to
 the Sureties of persons appointed to offices of trust in this Province; and
 such Bond shall avail to the Crown and to all persons whomsoever who
 shall or may be aggrieved by any breach of the conditions thereof; and
 no such Inspector shall allow any person whomsoever to act for him about
 25 the duties of his office, excepting only his sworn assistant or assistants to
 be appointed in the manner hereinafter provided.

None but per-
 sons having
 undergone ex-
 amination to
 be appointed,
 &c.

Inspector to
 give security.

None but his
 sworn assist-
 ants to act for
 him.

VI. And be it enacted, That the Bond or Suretyship which shall be
 made or executed by such Inspector and his Sureties, by virtue of this
 Act, shall be made and shall be kept at the office of the Clerk of the Cor-
 30 poration of the City, or Town, or place for which such Inspector shall be
 appointed; and every person shall be entitled to have communication
 and copy of any such Bond or Suretyship at such Clerk's office upon
 payment of *one shilling*, currency, for each communication, and of *two*
shillings and sixpence, currency, for each copy.

Bond, where to
 be kept.

To be open to
 public inspec-
 tion.

VII. Provided always, and be it enacted, That the Board of Examiners,
 to be constituted as aforesaid, shall be, and they are hereby authorized
 and required before proceeding to the examination of any person or per-
 sons who may hereafter be desirous of being appointed an Inspector of
 Pot and Pearl Ashes, as aforesaid, to require the attendance of two or
 40 more persons of the greatest experience and practice in the manufacture
 or inspection of Pot and Pearl Ashes; and the said Board, in their dis-
 cretion, are also hereby further authorized to permit any other person or
 persons to be also present at the said examination; and each and every
 of the said persons so required or permitted to attend, may, in the presence
 45 of the said Board, propose questions to the person or persons then under
 examination touching and respecting his or their knowledge as to the
 properties and qualities of Pot and Pearl Ashes.

Examiners
 may associate
 skilful persons
 with them on
 examinations.

VIII. And be it enacted, That each person examined, approved and
 recommended, as aforesaid, shall, if appointed an Inspector of Pot and
 50 Pearl Ashes, before he shall act as such, take and subscribe an oath be-
 fore the Mayor, Warden or Chief Municipal Officer of the place for which
 he is appointed, to the effect following, to wit: That I, the said person, do
 swear that I will faithfully and honestly execute the duties of the office
 of Inspector of Pot and Pearl Ashes, and that I will not allow any person
 to act for me in the execution of the duties of the said office, excepting
 only my sworn assistant or assistants to be appointed in the manner
 hereinafter provided.

Person ap-
 pointed In-
 spector to take
 an oath of
 office.

he shall be appointed, (which Mayor, Warden or Chief Municipal Officer is hereby required and authorized to administer the same,) in the words following, to wit:—"I, A. B., do solemnly swear, that I will faithfully, "truly and impartially, to the best of my judgment, skill and understanding, do and perform the office of an Inspector of Pot and Pearl Ashes, 5
 "according to the true intent and meaning of an Act of the Legislature
 "of this Province, intituled, '*An Act to regulate the Inspection of Pot
 "and Pearl Ashes;*' and that I will not directly or indirectly, by myself
 "or by any other person or persons whomsoever, manufacture, buy or
 "sell any Pot or Pearl Ashes, on my account, or upon the account of any 10
 "other person or persons whomsoever, during the time I shall continue
 "such Inspector: So help me God." which oath shall be recorded in
 the office of the Clerk of the Corporation of the City, Town or place
 where the same shall be taken; and for recording such oath, and for a
 certificate thereof, the Clerk shall be entitled to demand and have the 15
 sum of *two shillings and sixpence*, currency, and no more; and shall
 give communication of the original to any person who shall apply for the
 same on payment of *one shilling*, currency, for each such communication,
 and *two shillings and sixpence*, currency, for each copy.

The oath.

Recording
oath.

Fees.

Present In-
spectors and
assistants to go
out of office on
1st January,
1854.

Assistants to
be re-appoint-
ed on their ap-
plication.

IX. Provided always, and be it enacted, That any person who, at 20
 the time this Act shall come into force, shall hold the office of Inspector
 or Assistant Inspector of Pot and Pearl Ashes for any City or Town
 within this Province, shall continue in such office upon the same terms
 and subject to the same conditions under which he may have hitherto 25
 held the same, until the said first day of January, one thousand eight
 hundred and fifty-four, upon which last mentioned day, however, the
 appointment of such Inspector or Assistant Inspector shall be revoked;
 Provided always, that any such Assistant Inspector shall, on his appli-
 cation to the Inspector to be appointed under the provisions of this Act,
 immediately after the said first day of January, one thousand eight 30
 hundred and fifty-four, be re-appointed Assistant Inspector for the said City
 or Town without any new examination or any intervention of the said
 Board, anything in this Act to the contrary notwithstanding, but such
 Assistant Inspectors shall, after such appointment, be removable and
 shall give security, and shall be bound by all the other provisions of this 35
 Act in the same manner as other Assistant Inspectors under the autho-
 rity thereof.

Mode of in-
specting, clas-
sifying and
marking
Ashes.

X. And be it enacted, That it shall and may be lawful for every such
 Inspector on proceeding to inspect any Pot or Pearl Ashes either by
 emptying the whole of the contents of the Pot or Pearl Ashes out of the 40
 barrel, or by opening both ends of the barrel, and if necessary by scraping
 the barrels and cakes of Ashes, carefully to examine, try and inspect
 and sort the same into three different sorts or qualities, to be denominated
first sort, second sort and third sort: that is to say, first sort Pot Ashes
 shall contain seventy-five per cent. of pure Alkali, at the least; second 45
 sort Pot Ashes shall contain sixty-five per cent. of pure Alkali, at the
 least, and third sort Pot Ashes shall contain fifty-five per cent. of pure
 Alkali, at the least. First sort Pearl Ashes shall contain sixty-five per
 cent. of pure Alkali, at the least; second sort Pearl Ashes shall contain
 fifty-five per cent. of pure Alkali, at least; and third sort of Pearl Ashes 50
 shall contain forty-five per cent. of pure Alkali, at the least; and each
 quality shall be, in all other respects, entitled to rank of the quality,

designated thereon, and he shall repack the same into good and sufficient barrels of the size and description specified in the second Section of this Act, to be properly coopered and nailed, and shall weigh each barrel and mark on the branded head with black paint the weight thereof, including tare, and the weight of the tare under the same, and he shall brand the same in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the words, *first sort*, of the second quality, the words, *second sort*, and of the third quality, the words, *third sort*, together with the words, *Pot Ash* or *Pearl Ash*, as the case may be, with his own name and that of the place where the Ashes are inspected and the year when such inspection is made. He shall also collect the crustings or scraping of the barrels and cakes of Pot and Pearl Ashes, (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him:—He shall mark the word “*unbrandable*” No, 1, 2, 3, 4 or 5, according to its strength, on every barrel which he shall discover to contain Ashes, so adulterated with stone, sand, lime or any other improper substance, as not to admit of its being classified as Ashes of the *first*, *second* or *third* sort, and he shall also make and deliver a separate weigh Note or Bill of each quality of Ashes whenever required so to do by the owner thereof or his Agent.

XI. And be it enacted, That it shall also be the duty of the Inspector for the City of Montreal, upon, from and after the first day of July, next after the day when this Act shall come into force and effect, to provide himself with suitable and convenient premises for the storage and inspection of Ashes, the same to be provided with metal gutters and spouts and to be covered with metal or slate; and to be of that description of building commonly known as *first class*:—That it shall be the duty of such Inspector at all times and at his own cost and charges to keep the Ashes stored in the said premises, insured to an amount of not less than twenty-five thousand pounds,—to deposit the policies therefor with the Secretary of the Board of Trade, for the time being, and to renew such policies from time to time as occasion may require: Provided always, that no such Insurance shall be effected by the Inspector until after the name of the Company or Companies with whom he is desirous of effecting the same shall have been submitted to the Council of the Board of Trade, for the time being, for their approval thereof, nor until such approval shall have been signified to the said Inspector in writing: And provided further, that should the said Insurance, at any time, be less than the actual value of the Ashes stored in the said premises, it shall be the duty of the said Inspector, at his like costs and charges, and subject to the conditions above prescribed, to effect such additional Insurance as may be sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid, and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the Inspection Stores.

Inspector for Montreal, to provide stores and insure Ashes, against fire.

Provido.

Provido.

Must re-deliver Ashes in good order.

XII. And be it enacted, That for all the services to be performed as aforesaid, each Inspector shall be entitled to receive the sum of *four pence* currency, for every hundred weight of Pot or Pearl Ashes by him so inspected; the actual cost but not exceeding *five shillings and six pence* currency, for every barrel by him furnished; the sum of *one*

Remuneration to be received by Inspectors for their services, &c.

shilling currency, for each new head so furnished; and the sum of *seven pence and one half-penny*, currency, as aid for cooperage and repairs on each barrel of Pot or Pearl Ashes by him so inspected, (the said cooperage to include nails and the end hoops of the barrel); the sum of *one shilling* currency, for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do; the sum *one shilling* of currency per barrel in all cases where lime or raw Ashes have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same; and in consideration of which, all barrels shall be delivered in good shipping order, and the said Inspector shall be bound to have all Ashes sent to him for inspection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty-six working hours from the date such Ashes are received into the Inspection Stores; and such charges shall be paid or allowed to the purchaser by the person or persons offering such Pot or Pearl Ashes for inspection, or his or her agent; and such Inspector shall further be entitled to receive *five pence*, currency, per barrel for the storage of each barrel of Ashes which shall remain stored with him as aforesaid more than ten days after the date of the Invoice, Weigh Note or Inspection Bill, and *three pence*, currency, per barrel, for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the Invoice, Weigh Note or Inspection Bill), and such storage and all other charges shall be paid by the person or persons receiving or shipping the said Ashes or by his or their agent, but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the Invoice or Weigh Note; and the Inspector of Ashes for the City of Montreal shall further be entitled to charge, on, from and after the first day of July, next, after the date when this Act shall come into force and effect, a sum not exceeding *one penny* per barrel, as and for Insurance, on each and every barrel of Pot or Pearl Ashes sent to his premises for inspection, and such Insurance shall be considered as chargeable from the day that such barrel of Pot or Pearl Ashes is received into the said premises, and the said Ashes shall be held and considered as insured from the period of such reception, but such rate shall be held to cover all Insurance on the said Ashes, during the whole period they may remain stored in the said premises, and the said Insurance shall be charged by the said Inspector in the Inspection Bill: Provided always, and it is hereby enacted, that it shall be the duty of the said Inspector for the City of Montreal, from time to time, to make such returns of the business of his office to the Council of the Board of Trade, of the said City of Montreal, whenever duly required so to do by the said Council.

His duties in return for remuneration.

Other allowances.

For Insurance

Provido: as to Montreal.

Inspectors for Montreal and Quebec, to appoint Assistants, Clerks, &c.

XIII. And be it enacted, That the Inspector of Pot and Pearl Ashes, for the Cities of Montreal and Quebec, respectively, may appoint such number of Assistants and Clerks, as he shall, from time to time, be required to appoint by the Board of Trade of the City for which he is appointed, for the acts of which Assistants and Clerks he shall be and is hereby declared to be responsible, and shall be bound to increase the number of such Assistants and Clerks, from time to time, on a requisition in writing to that effect, from the Board of Trade, and may diminish the same with the permission of the said Board; and each such Assis-

tant and Clerk shall be subject to the approval of the said Board of Examiners, and skilful persons sitting with them, in the manner hereinbefore provided for the examination of Inspectors; and before entering upon the duties of his office, shall furnish two good and sufficient sureties to Her Majesty, in the sum of five hundred pounds currency, if for the City of Montreal, and in the sum of one hundred pounds, if for the City of Quebec, for the due performance of his duties; by a Bond to be taken, made, recorded, kept and delivered in the manner provided with regard to the Bonds given by Inspectors: and shall take and subscribe the following Oath, before the Mayor of the City in which he shall be appointed, who is hereby required and authorized to administer the same:—"I, A. B., do swear that I will diligently, faithfully and impartially execute the office of Assistant to the Inspector of Pot and Pearl Ashes for according to the true intent and meaning of an Act of the Legislature of this Province, intituled, '*An Act to regulate the Inspection of Pot and Pearl Ashes,*' and that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of my office of Assistant to the said Inspector (except my salary from the said Inspector) and that I will not, directly or indirectly, trade in the articles of Pot and Pearl Ashes, or be in any manner concerned in the purchase or sale of Pot and Pearl Ashes: So help me God;" and such Bond shall be in duplicate, and one part thereof shall be delivered to the Inspector and the other part thereof, as also the Oath, shall remain in the office of the Corporation of the City in which the same shall be taken, for the same purposes and in all cases subject to the same regulations as to communication and copy as are provided with regard to the Bond and Oath of the Inspector.

Security by Assistants.

Oath of office

XIV. And be it enacted, That the said Assistants shall respectively be paid by and shall hold their offices at the pleasure of the Inspector, and may be removed or re-instated, or others may be appointed in their stead by such Inspector.

Assistants removable at pleasure.

XV. And be it enacted, That whensoever a vacancy shall occur in the office of Inspector of Pot and Pearl Ashes for the City of Montreal, by the death, resignation or removal of such Inspector, an Inspector of Pot and Pearl Ashes shall, by the Mayor of the said City, be appointed in his room, from among the Assistant Inspectors; Provided that no such Assistant Inspector shall be so appointed until he shall have undergone an examination before the Board of Examiners, and by them have been deemed competent to the duties required of such Inspector, and shall not enter upon the duties of his office until he shall have given the security and taken the oath of office required by this Act, and complied with the other requirements thereof; Provided further that any person who, at the time this Act shall come into force, shall hold the office of Assistant Inspector, shall be capable of being appointed as such Inspector without any such examination as aforesaid.

Future Inspectors to be appointed by Mayors.

Proviso: for examination.

Proviso.

XVI. And be it enacted, That any Inspector or his Assistant, who, during his continuance in office, shall directly or indirectly be concerned in the buying or selling of any Pot or Pearl Ashes or participate in any transaction or profit arising therefrom (further than the fees or emoluments granted by this Act for Inspection and Storage) or who

Inspectors and Assistants not to trade in Ashes, &c.

Penalty for so shall permit any cooper or other person by such Inspector employed, to
doing. retain or keep any Pot or Pearl Ashes, or who shall brand any barrel or
barrels of Ashes of any description or size other than is prescribed by
this Act, or who shall date any Weigh Note or Bill of Inspection dif-
ferently from the time when the Ashes were actually inspected, or who 5
shall deliver out of his possession any such Weigh Note or Bill of In-
spection without any date, or who shall not conform to the provisions of
this Act, shall, upon being legally convicted thereof for every such of-
fence incur a forfeiture and penalty not exceeding *one hundred pounds*
currency, and be forever thereafter disqualified and disabled from hold- 10
ing and exercising the duty or office of Inspector of Pot and Pearl Ashes
in this Province or of Assistant to such Inspector, and any Inspector or
Assistant Inspector or Clerk or other persons who shall make or cause
to be made any false or fraudulent Bill of Ashes, shall be guilty of
Felony, and shall upon conviction thereof, be confined at hard labour in 15
the Provincial Penitentiary for any term not exceeding seven years.

Punishment
for fraud.

Inspectors
bound to act
when called
upon.

XVII. And be it enacted, That if any Inspector of Pot and Pearl
Ashes or his Assistant, not then employed in the Inspection of any Pot
or Pearl Ashes (according to the duties prescribed by this Act) shall, on
application on lawful days between sunrise and sunset, to him made, 20
refuse to receive any Ashes, or shall neglect or delay to proceed in such
examination and inspection for the space of two hours after such appli-
cation so made to him, the Inspector or his Assistant so refusing, ne-
glecting or delaying to receive such Ashes or to make such examination
and inspection, shall for each such offence, forfeit the sum of *five pounds* 25
current money, to the use of the person or persons so delayed.

Punishment
for counter-
feiting brand
marks, &c.

XVIII. And be it enacted, That if any person or persons shall coun-
terfeit 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 30
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 35
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 Manu-
facturer; and if any person in the employ of any Inspector or Manu-
facturer of Pot and Pearl Ashes, shall hire or loan out the marks of his 40
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 per-
sons shall, for every such offence, forfeit and incur a penalty of *fifty*
pounds, current money of this Province.

Mode of set-
tling disputes
as to quality of
Ashes.

XIX. And be it enacted, That if any dispute shall arise between any 45
Inspector or Assistant Inspector and the proprietor or possessor of any
Pot or Pearl Ashes with regard to the quality thereof, then upon appli-
cation 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, 50
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 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.

General issue nonsuit or discontinue his or their action or actions after the defendant
 may be plead- or defendants shall have appeared, then such defendant or defendants
 ed, &c. shall have treble costs awarded against such plaintiff or plaintiffs, and
 have the like remedy for the same as any defendant or defendants hath
 or have in other cases to recover costs at law. 5

Commence- XXIII. And be it enacted, That the foregoing provisions of this Act,
 ment of certain with the exceptions mentioned in the third, ninth, eleventh and twelfth
 enactments of sections thereof, shall have force and effect upon, from and after the
 this Act. first day of January, one thousand eight hundred and fifty-three and not
 before. 10