

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 11

An Act to regulate the Inspection of Pot and Pearl Ashes. Assented to 18th December, 1854.

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 by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. 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Reign, and intituled, *An Act to regulate the Inspection of Pot and Pearl Ashes*, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall revive any Act or law repealed or suspended by the Act above cited, but such Acts and laws and all other Acts or Ordinances or laws in force in either section of the Province, when this Act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branding of Pot and Pearl Ashes, and the appointment and compensation of Inspectors, shall be and the same are hereby repealed.

II. 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 any wise notwithstanding: 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.

III. 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-five, be issued for the appointment

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 willingness to resign the said office, on, from, and after the said first day of January, one thousand eight hundred and fifty-five, 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 or persons who may be hereafter appointed to the office of Inspector or Joint Inspector of Ashes for the City of Montreal, one third of the whole net profits of the said office: Provided that the sums so payable to him, shall in no case exceed four hundred pounds currency, 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-five, and thence to continue during the natural life of the said Edouard Martial 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 make to him the above mentioned payments, from and out of the revenues of the said office, immediately after the necessary expenses of the same are defrayed, and before the appropriation of any portion of the remainder of the said revenue to any other purpose whatever.

IV. 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, Toronto and Kingston respectively, and 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 of 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 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 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 Examiner, and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding: So help me God."

V. The Mayor of the said Cities of Quebec, Montreal, Toronto or Kingston, for the time being, and 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, or a Joint Inspector of Pot and Pearl Ashes for the said Cities, and other places as aforesaid, respectively, and may, from time to time, give a representation to the said Mayor, or Chief Municipal Officer, by the Council of the Board of Trade of the said Cities 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

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 the Mayor or Chief Municipal Officer shall be bound to comply; and before any Inspector shall act as such, he shall furnish two good and sufficient Sureties, who shall be bound with himself for the due; performance of the duties of his office, in the sum of five hundred pounds currency, each, if such Inspector be appointed for Montreal, and in the sum of two hundred and fifty pounds currency each, if such Inspector be appointed for the Cities of Quebec, Toronto or Kingston, or for any other place for which an Inspector may be appointed; and such Sureties shall be approved by the Mayor or other Chief Municipal authority by whom such Inspector shall have been appointed, and a Bond shall be executed to 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 the duties of his office, excepting only his sworn Assistant or Assistants, to be appointed in the manner hereinafter provided.

VI. The Bond of 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 Corporation of the City 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 six pence currency, for each copy.

VII. 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 persons who may hereafter be desirous of being appointed an Inspector of Pot and Pearl Ashes as aforesaid, to require the attendance of two or more persons of the greatest experience and practice in the manufacture or inspection of Pot and Pearl Ashes; and the said Board, in their discretion, 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 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.

VIII. Each person examined, approved and recommended as aforesaid, shall, if appointed an Inspector of Pot and Pearl Ashes, before he shall act as such, take and subscribe an oath before the Mayor or Chief Municipal Officer of the place for which he shall be appointed, (which Mayor 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,

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 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 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 sum of two shillings and six pence 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 six pence currency, for each copy.

IX. Any person who, at 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 place within this Province, shall continue in such office upon the same terms and subject to the same conditions under which he may have hitherto held the same, until the first day of January, one thousand eight hundred and fifty-five, 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 application to the Inspector to be appointed under the provisions of this Act, immediately after the said first day of January, one thousand eight hundred and fifty-five, be re-appointed Assistant Inspector for the said City or place without any new examination or any intervention of the said Board, any thing in this Act to the contrary notwithstanding; but such Assistant Inspectors shall, after such appointment, be removeable, and shall give security, and shall be bound by all the other provisions of this Act in the same manner as other Assistant Inspectors under the authority thereof.

X. 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 barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel 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 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 the least, and third sort of Pearl Ashes, 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 re-pack 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 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, 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 scrapings of the bands 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, salt, or any other improper substance, as not. to admit of its being classified as 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. In any place where there shall be an Inspector of Ashes, except in the City of Montreal, it shall be the duty of each of the Inspectors to provide himself with suitable and convenient premises for the storage and inspection of Ashes, and to keep all barrels of Ashes delivered to him for inspection, whilst they remain in his or their possession, in some dry place safe from the injuries of the weather or of floods, and under a tight roof, and if in sheds, the same shall be good and sufficient and inclosed on every side; and any Inspector violating this provision shall forfeit and pay to the owner the sum of ten shillings currency for every barrel not stored as afore-said, besides the actual damages that may be sustained by such owner.

XII. It shall be the duty of the Inspector or Joint Inspector for the City of Montreal, from and after the first day of June 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, or such as shall be approved of by the Council of the Board of Trade: 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.

XIII. For all the services to be performed, as aforesaid, each Inspector shall be entitled to charge on the Inspection Bill the sum of four pence currency, for every hundred weight of Pot or Pearl Ashes by him so inspected; the actual cost for every barrel by him furnished; the sum of one shilling currency, for each new head so furnished; and the sum of nine pence currency, as and for coopeage 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 and three pence 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 of one shilling and three pence currency per barrel in all cases where lime, raw Ashes, damaged Ashes, or other trash 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 fully 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 date when this Act shall come into force and effect, a sum not exceeding one penny half penny per barrel, as and for Insurance, on each and every barrel of Pot or Pearl Ashes sent to Iris premises for inspection, and such Insurance shall be considered as chargeable from the day that such barrel of Pot and 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, hut 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, that it shall be the duty of the said Inspector for the City of Montreal, from time to time, to make 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.

XIV. 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 Assistant 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.

XV. The said Assistants shall respectively be paid by and shall hold their offices at the pleasure of the Inspectors, and may be removed or re-instated, or others may be appointed in their stead by such Inspectors.

XVI. Whensoever a vacancy shall occur in the office of Inspector of Pot and Pearl Ashes for the City of Montreal, by 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.

XVII. 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, Insurance and Storage,) or who shall permit any cooper or other person by such Inspector employed, to 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 differently from the time when the Ashes were actually inspected, or who shall deliver out of his possession any such Weigh Note or Bill of Inspection without any date, or who shall not conform to the provisions of this Act, shall, upon being legally convicted thereof, for every such offence, incur a forfeiture and penalty not exceeding one

hundred pounds currency, and be for ever thereafter disqualified and disabled from holding 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 the Provincial Penitentiary for any term not exceeding seven years.

XVIII. 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, 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 application so made to him, the Inspector or his Assistant so refusing, neglecting, or delaying to 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.

XIX. 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 or 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.

XX. 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 A 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.

XXI. 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 barrel, 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 cunency.

XXII. 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 Court of competent jurisdiction, and shall, on failure of payment, be levied by execution as in the case of debt; and one moiety of all such fines and forfeitures, when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the city 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 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 aforesaid.

XXIII. If any action or suit be brought or commenced against any person or persons, or any thing done in pursuance of this Act, such action or suit shall be commenced within six 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 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 nonsuit or discontinue his or their action or actions, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded against such plaintiff or plaintiff's, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs at law.

XXIV. This Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-five, and not before.