

such forfeiture applied as in this Act directed; and if it shall be discovered within one year after the articles reported for exportation, or after any drawbacks may have been paid or received, that the whole or any part thereof have been fraudulently relanded within this Province, the owner or consignee of such articles, and the master or owner of the ship from which the same were relanded, shall severally pay the sum of one hundred pounds, to be recovered and applied as hereinafter directed.

Penalty.

59. From and after the passing of this Act, it shall not be lawful for any ship or vessel arriving with goods on board within the Province liable to the payment of Duties (under any Act or Acts of the General Assembly of this Province, now in force or that may hereafter be in force,) if landed or brought into this Province, to enter into any harbour, roadstead, river, creek or place within this Province, with such goods on board, other than into some duly appointed port or place of entry, (unless from stress of weather or some other unavoidable and justifiable cause to be shewn by the master, owner or consignee of such ship, vessel or goods,) under the penalty of such ship or vessel and all the goods on board being forfeited; provided always, that nothing in this section contained shall extend or be construed to extend to render the goods of any innocent consignee or consignees, or owner or owners, on board of such ship or vessel, liable to forfeiture, upon his making it appear to the satisfaction of the Treasurer or Seizing Officer, by legal proof, that he had nothing to do with, and was not concerned in such ship or vessel so entering into such river, roadstead, creek or place.

Ships with dutiable goods entering other than the appointed ports.

Penalty.

60. All vessels and boats under fifteen tons, in which any goods, wares or merchandise liable to forfeiture, from being prohibited, or for non-payment of Duties, or for other cause, under any Act or Acts of the General Assembly relating to the Provincial Revenue, shall be imported or brought into this Province, shall be seized as forfeited by any officer of the Treasury, and proceeded against in the same manner as if they had been actually engaged in the removal of any goods liable to forfeiture; and all carriages and cattle made use of in the removal of any goods liable to forfeiture under this Act shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one hundred pounds, at the election of the officer or person prosecuting; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

Liability of vessels, &c., to forfeiture, and persons to penalties, for landing or removing dutiable goods.

61. All articles, ships and vessels not exceeding one hundred tons register, boats, carriages and other articles, which shall or may be seized as liable to forfeiture under the provisions of this Act, shall and may be deemed and taken to be condemned for breach of any law or laws of this Province relating to Revenue, unless the owner or owners of the article so seized as forfeited, or the person from whom they were so seized, or some person duly authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the Treasurer, Deputy Treasurer or other authorized officer at or nearest the place where such seizure shall have been made, that he claims the articles or things so seized; provided always, that in case the articles so seized be live stock or dead meats, or any other description of perishable articles, unless claim to the same shall be made, and notice thereof given within forty eight hours after such seizure made, the same shall be taken and deemed to be forfeited, and sold at public auction, after twenty four hours notice being given.

Seized vessels, &c., and goods to be deemed condemned unless notice of claim be given.

62. All articles seized as forfeited by virtue of this Act, and claimed by any person or persons agreeably to the provisions of the preceding section, and security given for prosecuting such claim with effect as hereinafter provided, shall and may be prosecuted to condemnation in the name of the Treasurer or Deputy Treasurer, or by information of Her Majesty's Attorney General or Solicitor General, before any two of Her Majesty's Justices of the Peace residing near the place where such seizure shall have been made, who are hereby required and directed to keep a book of record in which they shall fairly enter all causes tried before them under this Act, together with the evidence taken before them upon such trial; provided always, that in case the articles seized shall be of the value of twenty five pounds, then the same shall be proceeded against in some of Her Majesty's Courts of Record within the Province.

Prosecution of articles seized to be in the name of the Treasurer, &c.

63. If any articles shall be seized as forfeited under the provisions of this Act, it shall and may be lawful for the Treasurer or Deputy Treasurer making such

Articles seized may be delivered up to the claimant on security.