

the Province of New-Brunswick, or Prince Edward's Island, not having been duly entered, cleared and shipped, to be exported directly to those Provinces respectively, the same shall be forfeited, together with the Ship, Vessel, Boat or Craft, which may have been used in so relanding, landing or carrying, such Goods, and any Person by whom, or whose orders or means, such Goods shall have been so taken or cleared, or so re-landed, landed or carried, shall forfeit a sum equal to treble the value of such Goods.

XXII. *And be it further enacted,* That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any regulation or restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Operation of Act may be suspended

XXIII. *And be it further enacted,* That this Act shall continue and be in operation until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of Act

CAP. L.

An Act for the Prevention of Smuggling.

(PASSED THE 16th DAY OF APRIL, 1834.)

Continued and amended by 5, Wm. 4, c. 38

WHEREAS, it is expedient to revise and consolidate the Provisions for securing the payment of the Colonial Impost Duties, and preventing Frauds on the Revenue, and to assimilate the same as far as may be practicable with the Regulations contained in the Act of the Parliament of the United Kingdom, passed in the third and fourth year of the reign of King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad:

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly,* That this Act shall commence and come into operation, upon from and after, the first day of April, in this year One Thousand Eight Hundred and thirty-four.

Time Act comes into operation

II. *And be it further enacted,* That it shall be lawful for the Officers of the Colonial Revenue to go on board any Ship in any Port in any part of this Province, and either before or after such Ship comes to anchor, and to rummage and search all parts of such Ship for prohibited and uncustomed Goods; and also to go on board any Ship sailing, hovering or being within one league of any of the Coasts thereof, and in either case freely to stay on board such Ship so long as she shall remain in such Port or within such distance; and if any such Ship be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Colonial Revenue to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master upon Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited under any Act of Parliament, or relating to the Colonial Revenue, to be imported, such Ship and Cargo shall be forfeited; and if the Master shall not truly answer the questions to be demanded of him in such examination he shall forfeit the sum of One Hundred Pounds.

Powers vested in Officers of Colonial Revenue to search Vessels for uncustomed Goods

III. *And be it further enacted,* That all Boats, Carriages and Cattle, made use of in the removal of any Goods liable to forfeiture under any Act relating to the Colonial Revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring of such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of One Hundred Pounds, at the election of the Officers of the Colonial Revenue 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.

Boats, &c. used in conveyance of Goods liable to Forfeiture