

Or selling
goods with
counterfeit
marks, &c.

Imprisonment
in default of
payment.

False swear-
ing to be per-
jury.

Penalty for
counterfeiting
or using coun-
terfeited pa-
pers, &c.

Or forging cer-
tificates, &c.

Forfeiture and
penalty for
offering for
sale goods
pretended to
be smuggled.

Officers em-
ployed in the
Customs or
under 8 V. c.
4, to be deem-
ed employed
for the pre-
vention of
smuggling.

What aver-
ment of such
employment
shall suffice.
Their powers.
To search.

To detain ves-
sels, carriages,
&c.

And to seize
in certain ca-
ses.

or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or shall use or affix any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be forfeited, and all and every such offender or offenders, and his, her, or their aiders, abettors, or assistants, shall, for every such offence, forfeit and pay the sum of fifty pounds, which penalty shall be recoverable in a summary way, on legal proof before any two Justices of the Peace in this Province, and in default of payment the party so offending shall be committed to any of Her Majesty's Jails in this Province, for a period not exceeding twelve calendar months; and if any wilfully false oath be made in any case where by this Act an oath is required or authorized, the party wilfully making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence.

XXXVI. And be it enacted, That if any person shall counterfeit or falsify, or use when so counterfeited or falsified, any paper or document required under this Act or for any purpose therein mentioned, whether written, printed, or otherwise, or shall by any false statement procure such document,—or shall forge or counterfeit any certificate relating to any oath, affirmation, or declaration, hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly.

XXXVII. And be it enacted, That if any person or persons shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be forfeited, and the person or persons, and every of them, offering the same for sale shall forfeit the treble value of such goods, or the penalty of fifty pounds, at the election of the prosecutor, which penalty shall be recoverable, in a summary way, upon legal proof thereof, before any one or more Justices of the Peace, and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's Jails for a period not exceeding sixty days.

XXXVIII. And be it enacted, That all officers and persons employed by virtue and under the authority of an Act, intituled, *An Act to provide for the management of the Customs and of matters relative to the collection of the Provincial Revenue*, passed in the eighth year of Her Majesty's Reign, or under the direction of any officer or officers in the Customs department, or being an officer of the said department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the Defendant in such suit or information shall prove to the contrary; and every such officer or person shall have full power and competent authority, upon information or upon reasonable grounds of suspicion, to detain, open and examine any package suspected to contain prohibited property or smuggled goods, and to go on board of and enter into any vessel, boat, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description whatsoever, and to stop and detain the same, whether arriving from places beyond or within the limits of this Province, and to rummage and search all parts thereof, for prohibited, forfeited or smuggled goods; and if any such prohibited, forfeited or smuggled goods shall be found in any such vessel or vehicle, it shall be lawful for such officer or person so employed to seize and secure such