

shall not be successful, the Recognizance or Bond shall be forfeited, and the amount thereof shall become a debt due to the Municipality within which the offence was committed, recoverable by action by and in the name of the Municipality, and it shall be the duty of the Secretary-Treasurer, Clerk, or Treasurer, or Chamberlain of such Municipality to prosecute the same, and the money shall be applied in the same manner as the fines hereinbefore mentioned: And if the Recognizance or Bond mentioned in this Section shall not be given before or within three days after conviction, order made or judgment rendered, the Appeal shall not be allowed.

VI. If any three persons being voters or entitled to vote at any Municipal election of the Municipality within which the complaint is made, shall make oath or affirmation before any Justice, Reeve, Mayor or Police Magistrate, Recorder or Judge of a Circuit Court or Division Court, that they have reason to believe and do believe that any intoxicating Liquor intended for sale or barter in contravention of this Act, is kept or deposited in any Steamboat or other vessel, or in any carriage or vehicle, or in any store, shop, ware-house, or other building or place in such Municipality, or on any river, lake or water adjoining the same, at any place within which such intoxicating liquor is by this Act prohibited to be sold or bartered or kept for sale or barter, the said Justice, Mayor, Reeve, Police Magistrate, Recorder, or Judge shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed to search the premises, steamboat, vessel or place described in such Warrant and if any intoxicating Liquor be found therein, he shall seize the same and the barrels, casks or other packages in which it may be contained, and convey them to some proper place of security, and there keep them until final action is had thereon; but no dwelling house in which, or in part of which a shop or bar is not kept, shall be searched, unless one at least of the said complainants shall testify on oath to some act of sale of intoxicating Liquor therein or therefrom in contravention of this Act within one calendar month of the time of making the said complaint; and the owner or keeper of the Liquor seized as aforesaid, if he shall be known to the Officer seizing the same shall be summoned forthwith before the Justice or person by whose Warrant the Liquor was seized, and if he fail to appear, and it appears to the satisfaction of the said Justice or person who issued the Warrant that the said Liquor was kept or intended for sale or barter, in contravention of this Act it shall be declared forfeited with any package in which it is contained, and shall be destroyed by authority of the written Order to that effect of said Justice, Reeve, Mayor, Police Magistrate, Recorder, or Judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the Officer by whom the said Liquor shall have been destroyed, in attesting that fact upon the back of the Order by authority of which it was done; and the owner or keeper of such Liquor shall pay a fine of *Ten Pounds* and costs, or be committed to prison for three calendar months in default thereof.

Search for
Liquors allowed in certain cases.

Destruction
of Liquors found to be illegally kept.

Fine.

VII. If the owner, keeper or possessor of Liquor seized under the provisions of this Act shall be unknown to the Officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure shall have been advertized, with the number and description of the package as near as may be, for two weeks, by posting up a written or printed notice and description thereof in at least three public places, and if it shall be proved

Proceedings if the owner be unknown, &c.