

ant or Defendants in such Action acted upon probable cause, then the Plaintiff in such Action shall not be entitled to more than two-pence damages nor to any Costs of Suit.

Penalties and forfeitures to be paid into hands of Collector

**XXIV.** *And be it further enacted,* That, except in the case hereinbefore provided for, all penalties and forfeitures recovered under any Act relating to the Colonial Revenue, or to Trade or Navigation, shall be paid into the hands of the Collector of Impost of the Port where the same shall have been recovered, and shall be divided, paid and applied as follows, (that is to say):—after deducting the charges of prosecution from the produce thereof, one half part of the nett produce shall be paid into the hands of the Collector of Impost at the port or place where such penalties or forfeitures shall be recovered, for the use of His Majesty's Government in this Province, and be paid under the order, and in such manner as the Board of Revenue direct, and the other half part to the person who shall seize, inform and sue for the same; subject nevertheless, to such distribution of the produce of the seizures so made, as well with regard to the moiety hereinbefore granted to His Majesty, as with regard to the other moiety given to the Seizor or Prosecutor, as the Board of Revenue shall think fit to order and direct by any order or orders to be made for that purpose. *Provided always,* that no Officer of the Colonial Revenue, save and except the Officer who shall have actually made any seizure, or been the means of recovering any penalty or forfeiture, shall be entitled to any part thereof.

Time limited for bringing Actions

**XXV.** *And be it further enacted,* That all Actions or Suits, for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Act relating to the Colonial Revenue, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, but not afterwards, any law, usage or custom to the contrary notwithstanding.

Appeals

**XXVI.** *And be it further enacted,* That no appeal shall be prosecuted from any Judgment of any of His Majesty's Courts of Record in this Province, touching any penalty or forfeiture imposed by any Act relating to the Colonial Revenue, unless such appeal shall be entered, and security therefor filed, within twelve months from the time when such Judgment was pronounced; *Provided always, and be it further enacted,* that in any case in which proceedings shall have been, or shall hereafter be, instituted in any Court of Record of this Province, against any Ship, Vessel, Boat, Goods or Effects, for the recovery of any penalty or forfeiture under any Act relating to the Colonial Revenue, the execution of any Judgment restoring such Ship, Vessel, Boat or Effects, to the claimant thereof, which shall be pronounced by the Court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such Judgment, provided that the party or parties appellate shall give sufficient security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods or Effects, concerning which such Judgment shall be pronounced, or the full value thereof to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement, under the authority of the said Court, to the Appellant or Appellants, in case the Judgment so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods or Effects, be ultimately condemned.

Persons discovered to have been on board of Vessels liable to forfeiture

**XXVII.** *And be it further enacted,* That every person who shall be found or discovered to have been on board any Vessel or Boat liable to forfeiture, under any Act relating to the Revenue, for being found within one league of any part of this Province, having on board, or in any manner attached thereto, or conveying, or having conveyed in any manner such Goods or other things as subject such Vessel or Boat to forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat, from which any part of the Cargo shall have been thrown overboard, or staved or destroyed, shall forfeit the sum of Twenty Pounds; *provided* such person, so found on board, shall have been knowingly and wilfully concerned in such Acts.

Preamble

*And to put a stop to Smuggling* into this Province from any of the British Colonies in, or Provinces in North America, any Goods subject to the Provincial Duties of Impost :

Additional Penalties imposed upon Illicit Traders

**XXVIII.** *Be it enacted,* That the Master and Owner or Owners of any ship or vessel