

knowing the fact, by whom such claim shall be entered, to the best of his knowledge and belief.

Claim not to be valid unless security be given to pay the costs and any penalty incurred.

LVII. And be it enacted, That no person so admitted as aforesaid to claim, shall enter a claim to, or shall be deemed to have validly claimed any vessel, goods or thing seized in pursuance of this Act, or of any Act relating to the Customs or to trade or navigation, until sufficient security shall have been given to the satisfaction of the Court where such seizure is prosecuted, in a penalty not exceeding fifty pounds, to answer and pay the costs occasioned by such claim and any penalty incurred by the claimant, in respect of such vessel, goods or thing, and in default of giving such security, such vessel, goods or thing shall be dealt with as if no claim had been made, and after the lapse of the period in that behalf provided shall be deemed to be condemned.

Notices to be posted in the Custom House and in the office of the Clerk of the Court.

When the case shall be heard if claim be made and security given.

LVIII. And be it enacted, That so soon as any information shall have been exhibited in any Court for the condemnation of any vessel, goods or thing so seized, notice thereof shall be put in the office of the Clerk or Prothonotary of such Court, and also in the office of the Collector or principal officer of the Customs, at the port at which such vessel, goods or thing shall have been secured as aforesaid; and if the owner or person having charge of the vessel, goods, or thing, shall exhibit a claim to the same or any part thereof, and shall give security, and comply with all the requirements of this Act in that behalf, then it shall be lawful for the said Court at its next sitting, after the said notice shall have been so posted during one calendar month, to proceed to hear and determine any claim which may have been validly made and filed in the meantime, and to the release or condemnation of such vessel, goods or thing as the case may require, otherwise the same shall, after the expiration of such calendar month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof: Provided always, that no claim on the behalf of any party who shall have given notice of his intention to claim before the posting of such notice as aforesaid, shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted, unless notice thereof shall have been given to the Collector within one calendar month from the seizure, as aforesaid.

Proviso: claims not to be admitted unless made within a certain time.

Nor without notice.

Sales to be by public auction.

LIX. Provided always, and be it enacted, That all sales of goods forfeited or otherwise liable to be sold by any Officer of the Customs under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council.

What notice of action for things done under this Act shall be given.

LX. And be it enacted, That no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling, as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs.

What evidence only may be adduced, on the Trial.