

Exchange or Court-house, or other public place, as before directed respecting instruments requiring service against all persons in general.

The monition having been served and no appearance being given, the Judge is to proceed by interlocutory decree to condemn the property; but such condemnation is not to take place on any other than a regularly adjourned Court-day, and not until the expiration of fourteen days from the return of the monition, and if it has been personally served, the Judge may, without requiring any further evidence than the affidavit to lead the monition, pronounce for the penalties due by law.

If a personal service of the monition cannot be effected by reason that the persons named therein have purposely absented themselves to avoid the service, the Judge may pronounce a similar decree; but if he has reason to believe that the persons named in the monition are *bonâ fide* ignorant thereof, he is to reserve his judgment so far as relates to the penalties sued for, and also as to the property, should any doubt arise upon the evidence.

In the case of a monition citing all persons in general, and not describing any person by name, no penalties can be pronounced for, but if the persons by whom the offence was committed shall afterwards be discovered, a subsequent monition may be issued in the same suit against him or them for the recovery of the penalties.

In order to move for the interlocutory decree,\* a case, with a copy of the affidavit, must be delivered to Counsel.

A claim may be given on behalf of the owners at any time before the interlocutory decree, and the claimant may, if he think fit, require the seizer to fyle an information or libel, to which the claimant may give in a responsive plea or allegation, and the case will then proceed by plea and proof in the manner before mentioned.

To the claim must be annexed an affidavit, containing the names, descriptions, and residence of the owners, and a detail of all the circumstances on which the claimant means to rely as the grounds of his defence.

The claim and affidavit† are to be prepared and given in as directed in derelict cases; but in compliance with the Act 6 Geo. IV., cap. 114, sec. 62, security must be given on behalf of the claimant in the sum of £60 sterling,‡ to answer costs before any claim can be received.

Upon a claim being fyled, the Judge, with the consent of the Collector and Comptroller of the Customs, may order the delivery of the property to the claimant, on his giving bond, with two sufficient sureties, to answer double the value of the same, as provided by the 58th section of the said Act.

The Court, on the application of the officer of the Customs, or parties interested may, at any time before condemnation, direct the property to be sold, if it shall satisfactorily appear by affidavit that a sale will be beneficial to all parties interested.

When a claim is given, and no libel prayed, the Court may proceed to adjudge the case upon the facts and circumstances stated in the affidavits on both sides; § but if it shall appear to the Judge that the case is not sufficiently proved by such evidence, he may direct an information or libel to be fyled by the seizer, || and give leave to the claimant to fyle a responsive allegation; in which case witnesses are to be examined on both sides, and the cause will proceed as in plea and proof cases. ¶ After condemnation, the sale must take place according to the provisions of the 56th section of the said Act.

In order to remedy complaints which have been made of the burthensome law charges in the Colonies, on proceedings in revenue cases of small value, it is directed that any number of seizures, not exceeding in the aggregate value £300, and not individually exceeding the sum of £100 may be included in one monition, and that different seizing officers may proceed conjointly in the same prosecution,—care

\* See Forms, Nos. 212 and 213.

† See Forms, Nos. 214 and 215.

‡ See Bond, No. 216.

§ See Interlocutory Decrees, Nos. 217 and 218.

|| See Libel, No. 219.

¶ See Interlocutory Decrees, Nos. 220 and 221.