

Appeals

XI. *And be it further enacted*, That if either the party prosecuting or claimant be dissatisfied with the Judgment given on such information, he shall be entitled to appeal therefrom to the Supreme Court, at its next sitting in the County or District for which the Collector is appointed, and such appeal shall be allowed, upon sufficient security being given, to the satisfaction of the said Justices, by Bond, to abide the decision of the said Supreme Court, and if the appeal be by the Claimant the security shall be given in treble the appraised value of the Goods, and the proceedings shall be sent to such Supreme Court, and the said Court shall upon such appeal hear and determine the same in a summary manner, and confirm or reverse the Judgment of the Magistrates, and with or without costs as to such Court shall seem fit, and, if there be Judgment of Condemnation, shall order the sale as aforesaid.

Goods seized may be restored upon security being given

XII. *And be it further enacted*, That if any Goods, or any Ship or Vessel, shall be seized as forfeited, under any Act relating to the Colonial Revenue, it shall be lawful for the Judge or Judges, of any Court, having jurisdiction to try and determine such seizures, with the consent of the Collector of Impost, to order the delivery thereof on Security by Bond, with two sufficient Sureties to be first approved of by such Collector, to answer double the value of the same in case of condemnation; and such Bond shall be taken to the use of His Majesty, in the name of the Collector of Impost in whose custody the Goods, or the Ship or Vessel, may be lodged, and such Bond shall be delivered and kept in the custody of such Collector; and in case the Goods, or the Ship or Vessel, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall, thereupon, cancel such Bond, and all the provisions of this clause shall extend to Prosecutions, before two Magistrates as aforesaid.

Suits—how brought

XIII. *And be it further enacted*, That, except in cases hereinbefore provided for, no Suit shall be commenced for the recovery of any penalty or forfeiture, under any Act relating to the Colonial Revenue, except in the name of some Collector of Impost, or other Person employed as hereinbefore mentioned, or of His Majesty's Attorney-General, or, in his absence, of the Solicitor-General, of the Province; and if any question shall arise, whether any person is an Officer of the Colonial Revenue, or such other person as aforesaid, *viva voce* evidence may be given of such fact; and shall be deemed legal and sufficient evidence.

Special Jury allowed

XIV. *And be it further enacted*, That in all Suits or Prosecutions, in any Court of Record, in respect of any seizure, penalty or forfeiture, under any Act relating to the Colonial Revenue, the party prosecuting or defending shall be entitled to a Special Jury for the trial thereof, and shall and may take the Depositions *de bene esse* of any Witnesses, aged, infirm, or about to leave the Province, or have a Commission for taking the Depositions of any Witnesses out of the Province, in such and the like manner as in Suits between party and party is authorised by Law, and such Depositions, duly taken and returned, shall be read in evidence on the trial.

Proof on owner, &c.

XV. *And be it further enacted*, That if any Goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same,

Claims to property seized

XVI. *And be it further enacted*, That no claim to any thing seized under any Act relating to the Colonial Revenue, and returned into any of His Majesty's Courts of Record for Adjudication, shall be admitted, unless such claim shall be entered in the name of the Owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his Attorney or Agent by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false Oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

Security to be given in prosecution of Claims

XVII. *And be it further enacted*, That no person shall be admitted to enter a claim to any thing seized in pursuance of any Act relating to the Colonial Revenue, and prosecuted in any Court of the Province, until sufficient security shall have been given in the Court, where such seizure is prosecuted, in a penalty not exceeding Forty Pounds,

to