

whom such offender shall be tried ; which fine shall be paid into the Province Treasury for the use of the Province, and in case such fine be not paid, such person shall be imprisoned for such time not exceeding twelve months nor less than three months, at the discretion of the Court.

Suits for the recovery of penalties.

XV. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under any Act relating to the Provincial Revenue, except in the name of the Treasurer of the Province, or in the name of some Deputy Treasurer, or of Her 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 Provincial Revenue, or such other person as aforesaid, *viva voce* evidence may be given of such fact, and may be deemed legal and sufficient evidence.

Onus probandi to be on party claiming Goods seized.

XVI. 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 shall 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 claimant of such Goods, and not on the officer who shall seize and stop the same.

No claim to Goods seized to be admitted unless entered in the name of the Owner ;

XVII. And be it further enacted, That no claim to any thing seized under this or any Act relating to the Provincial Revenue, and returned in any of Her Majesty's Courts of Record for adjudication, shall be admitted, unless such claim 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 misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

Nor unless security be given to pay costs.

XVIII. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this or any other Act relating to the Provincial 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 answer and pay the costs of such claim if found against him, and in default of giving such security, such things shall be adjudged to be forfeited.

One month's notice to be given before commencing a suit against a Revenue Officer for official acts.

XIX. And be it further enacted, That no Writ shall be sued out against nor a copy of any process served upon any Officer of the Provincial Revenue, or other person 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 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 the cause of such action shall be produced except of such as shall be contained in such notice, and no verdict 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 and costs.

Actions to be brought within three months after cause.

XX. And be it further enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed ; and the Defendant may plead the general issue, and give the special matter in evidence ; and if the Plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the Plaintiff, the Defendant shall receive

General issue.

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