

Seized Dutiable Goods to be deemed condemned, unless notice of claim be given.

XXXVI. And be it further enacted, That all dutiable articles which may be seized as having been imported contrary to the provisions of this or any other Act of the General Assembly for raising a Revenue, shall and may be deemed and taken to be condemned for breach of any Law or Laws of this Province relating to Revenue, unless the owner or owners of the articles so seized as forfeited, or the person from whom they were so seized, or some person duly authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the Treasurer or Deputy Treasurer at or nearest the place where such seizure shall have been made, that he claims the articles or things so seized : provided always, that in case the articles so seized be live stock or dead meats, or any description of perishable articles, unless claim to the same shall be made, and notice thereof given within forty eight hours after such seizure made, the same shall be taken and deemed to be forfeited, and sold at public auction after twenty four hours notice being given.

Prosecutions for articles seized to be in the name of the Treasurer, &c.

XXXVII. And be it further enacted, That all articles seized as forfeited by virtue of this or any other Act relating to the Revenue of this Province, and claimed by any person or persons agreeably to the provisions of the preceding section, and security given for prosecuting such claim with effect, shall and may be prosecuted to condemnation in the name of the Treasurer or Deputy Treasurer making such seizure, or by information of Her Majesty's Attorney General or Solicitor General, before any two of Her Majesty's Justices of the Peace residing near the place where such seizure shall have been made, who are hereby required and directed to keep a Book of Record in which they shall fairly enter all causes tried before them under this or any other Act relating to Revenue, together with the evidence taken before them upon such trial : provided always, that in case the articles seized shall be of the value of twenty five pounds, then the same shall be proceeded against in some of Her Majesty's Courts of Record within the Province.

Articles seized may be delivered up to the claimant on security.

XXXVIII. And be it further enacted, That if any articles shall be seized as forfeited under the provisions of this Act or any Act hereafter to be made relating to Revenue, it shall and may be lawful for the Treasurer or Deputy Treasurer making such seizure to deliver up the same to the claimant on security by bond, with two sufficient sureties, to be approved of by such Treasurer or Deputy Treasurer, to answer double the value of the same in case of condemnation ; and such bond shall be taken in the name of Her Majesty, and shall be delivered to and kept in the custody of such Treasurer or Deputy Treasurer ; and in case the goods shall be condemned, the value thereof shall be paid into the hands of such Treasurer or Deputy Treasurer, who shall thereupon cancel such bond.

Prosecution of penalties or forfeitures.

XXXIX. And be it further enacted, That any penalty or forfeiture inflicted under and by virtue of this Act or any Act hereafter to be made relating to the Revenue of this Province, may be prosecuted, sued for and recovered by action of debt, bill, plaint, or information, in any of Her Majesty's Courts of Record within this Province, in the name of the Treasurer or Deputy Treasurer, or in the name of Her Majesty's Attorney or Solicitor General ; and in every action or suit the person against whom judgment shall be given for any penalty or forfeiture under this Act shall pay costs of suit ; and every such action or suit shall and may be brought within three years after the offence committed, and not afterwards.

Application of forfeitures and penalties.

XL. And be it further enacted, That all forfeitures and penalties incurred and recovered under and by virtue of this Act, shall be divided, paid and applied as follows, (that is to say,) after deducting the charges of prosecution from the proceeds