

General on behalf of the prosecution ; and the Attorney General shall not have the authority to enter a *nolle prosequi*, except by consent of the Court, and where the purposes of Justice manifestly require it.

General to prosecute, etc.

41. In any case where, under the provisions of this Act, intoxicating liquor, and the vessels containing the same, are declared forfeited, the officer having the same in charge shall deliver said liquor, and the vessels, over to an agent for the sale of liquor in the Municipality or Ward where the offence was committed, and file a receipt for the same with the convicting justice, and if in the opinion of such agent the liquor is unfit for sale he shall destroy it, and otherwise shall sell the same for the Municipality.

How liquor forfeited shall be disposed of.

42. Any person violating any of the provisions of this Act shall be liable to a fine of not less than *twenty-five dollars*, nor more than *one hundred dollars* and the costs of prosecution, in the discretion of the convicting justice, which fine shall belong, one-half to the prosecutor, and the other to the Municipality where the offence is committed ; unless the prosecution be brought in the name of the Corporation of the Municipality, which, in such case, shall receive the whole amount of the fine ; and in default of payment of any such fine and all costs, the offender shall be imprisoned at hard labor until the same be paid ; such imprisonment, however, not to be less than ten days nor more than two calendar months, as the convicting Justice may direct.

Penalty for contravention of this Act.

43. It shall specially be the duty of all Peace Officers, Municipal Officers, Justices of the Peace, and Collectors of Customs, to enforce the provisions of this Act, and every person legally required to enforce, or to assist in enforcing its provisions, refusing or neglecting so to do, shall be deemed an offender against this Act.

Officers, etc., bound to enforce this Act.

44. Any person offending against, or violating any of the provisions of this Act, may be prosecuted before any one or more Justices of the Peace, having jurisdiction where the offence was committed.

Prosecution of offenders.

45. It shall be the duty of the County Attorney to prosecute all suits under this Act.

County Attorney to sue.

46. Whenever a judgment for damages is recovered against any Justice of the Peace, Sheriff, Deputy Sheriff, Constable, or other Officer, in any action brought against him on account of any thing done by him in good faith in his official capacity, under and by virtue of this Act, he shall receive the amount of damages and costs so recovered against him of the Treasurer of the county ; provided the judge before whom the case is tried shall certify, under his hand, that the said judgment was recovered against such Magistrate or Officer on account of some act done by him in good faith, in his official capacity under this Statute.

Officer to be reimbursed, damages recovered against him for anything under this Act.

47. The Treasurer of the county shall also pay to any such Magistrate or Officer against whom judgment is recovered as aforesaid, such further sum as the Judge who tries the case shall, in his said certificate, certify has been fairly and reasonably expended by said Magistrate or Officer in carrying on the defence of the suit.

And also his costs.

DEFECTS IN RECOGNIZANCES, &C.

48. No defect in any bond. or writing, or recognizance, or security required by this Act, shall, in any manner, invalidate the same, but the

Defects not to vitiate recognizances.