

Penalty.

be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one hundred pounds, at the election of the officer or person prosecuting; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election without any other or further evidence of such fact.

Searching houses
&c. for dutiable
goods, with a
Justice of the
Peace;

XII. And be it further enacted, That it shall and may be lawful for the Treasurer or any deputy Treasurer, to enter in the day time into any house, shop, or cellar or other building whatsoever, wherein such officer shall have reasonable cause to suspect or believe any goods to be, or to be concealed or deposited, which are liable to forfeiture under this or any Act relating to the provincial revenue: Provided that before such entry made, information on oath shall be given to some one of His Majesty's Justices of the Peace for the County, or City and County where such house, shop, cellar or other building is situate, that such officer has reasonable cause to suspect and believe that goods liable to forfeiture as aforesaid are deposited or concealed therein, and immediately on such information being laid or given, such Justice shall, and he is hereby enjoined and authorised forthwith, but at some time, between sun rise and sun setting, to go with such officer to such house, shop or other building, and then and there to enter with such officer, or to authorise him to enter and search for such goods, if the doors be open, but if the doors be fastened and admission denied, then after first demanding to be admitted and declaring the purpose for which such entry is demanded, it shall be lawful for such Justice, and he is hereby required to direct and order such officer forcibly to enter into such house, shop, cellar or other building, and to search therein for any goods forfeited, and to seize and take away all goods liable to forfeiture under any Act relating to the provincial revenue.

Under the au-
thority of a writ
of assistance.

XIII. And be it further enacted, That under the authority of a writ of assistance granted by the Supreme Court of this Province, or the Chief Justice thereof, or any Judge thereof, or by the Inferior Court of Common Pleas, or any Justice of such Court, who are hereby authorised and required to grant such writ of assistance upon application made in term time, or in vacation, for that purpose, by the Treasurer of the Province or any deputy Treasurer, and due cause shewn therefor, it shall be lawful for any officer of the revenue, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under any Act or Acts relating to the provincial revenue, and in case of necessity to break open any doors and chests or other packages for that purpose; and such writ of assistance when issued, shall be deemed to be in force for and during the period specified in such writ.

Assaulting or
obstructing re-
venue officers
on duty.

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XIV. And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the provincial revenue, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Province, shall pay a fine not exceeding one hundred pounds, nor less than fifty pounds, in the discretion of the Court before 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 re-

XV. And be it further enacted, That no suit shall be commenced for the recovery