

Vessels found hovering may be boarded and examined.

Vessel continuing to hover may be brought into Port.

Penalty for not obeying the officer boarding.

Penalty for harbouring smuggled goods.

Vessels, &c. used in conveying forfeited goods to be forfeited.
Penalty for assisting in landing, &c. such goods.

Election of officer as to penalty how proved.

Punishment of persons taking away goods, &c. seized.

Such offence to be felony.

To what place goods, &c. seized are to be taken.

XLII. And be it enacted, That if any vessel shall be found hovering (in British waters) within one league of the coasts or shores of this Province, it shall be lawful for any officer of Customs to go on board and enter into such vessel, and freely to stay on board such vessel, while she shall remain within the limits of this Province; and if any such vessel shall be bound elsewhere, and shall so continue hovering for the space of twenty-four hours after the master shall be required to depart by such officer of Customs, it shall be lawful for such officer to bring the vessel into port, and to examine her cargo, and if any goods prohibited to be imported into this Province be found on board, such ship or vessel, with her apparel, rigging, tackle, furniture, stores and cargo, shall be forfeited; and if the master or person in charge shall refuse to comply with the lawful directions of such officer, or shall not truly answer such questions as shall be put to him, respecting such ship and vessel or her cargo, he shall forfeit and pay the sum of one hundred pounds.

XLIII. And be it enacted, That if any person or persons shall knowingly harbour, keep, conceal, purchase, sell or exchange any goods illegally imported into this Province, (whether such goods be dutiable or not) or whereon the duties lawfully payable shall not have been paid, such person shall for such offence forfeit treble the value of the said goods, as well as the goods themselves.

XLIV. And be it enacted, That all vessels and boats, with the guns, tackle, apparel and furniture thereof, carriages, harness, tackle, horses, and cattle made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall besides the goods themselves, forfeit treble the value thereof, or the penalty of fifty pounds at the election of the officers of Customs or the party who shall sue for the same; and the averment in any information or libel to be exhibited for the recovery of such penalty, that such officer or party has elected to sue for the sum mentioned in the information or libel, shall be deemed sufficient proof of such election, without any other evidence of such fact.

XLV. And be it enacted, That if any person whatever, whether pretending to be the owner or not, shall either secretly or openly, and whether with or without force or violence, take or carry away any goods, vessel, carriage or other thing which shall have been seized or detained on suspicion, as forfeited under this Act, before the same shall have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and liable to punishment accordingly.

XLVI. And be it enacted, That if any goods, vessel, boat, or carriage, subject or liable to forfeiture, under this or any other Act relating to the Customs, shall be stopped or taken by any Police Officer, or any person duly authorized, such goods shall be carried to the Custom House next to the place where the goods were stopped or taken, or to the place which shall have been appointed for that purpose by the Governor in Council, and there delivered to the proper officer appointed to receive the same within forty-eight hours after the said goods were stopped and taken.

XLVII.