

vessel, boat, goods, or other things, or intends to claim them.

25. And it is hereby further ordered, that under the authority of a writ of assistance granted by the superior or supreme court of justice or court of vice-admiralty having jurisdiction in the said colony, which court or courts are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's customs, it shall be lawful for any officer of the customs, 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 this Order, or any Order or Act relating to the customs or to trade or navigation, and in case of necessity to break open any doors and any chests or other packages for that purpose, and such writ of assistance when issued shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

26. And it is hereby further ordered that all things which shall be seized as being liable to forfeiture under this order, or any order or act relating to the customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the collector of the customs at the port of Free Town, and after condemnation, he shall cause the same to be sold by public auction to the highest bidder.

27. And it is hereby further ordered, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this Order, or any Order or Act relating to the customs, or to trade or navigation, shall and may be prosecuted, sued for, and recovered, in any court of record or of vice-admiralty having jurisdiction in such colony.

28. And it is hereby further ordered, that if any goods or any ship or vessel shall be seized as forfeited, under this Order, or any order or Act relating to the customs, or to trade or navigation, and detained, it shall be lawful for the judge or judges of any Court having jurisdiction, to try and determine such seizures, to order the delivery thereof on security by bond, with two sufficient sureties to be first approved by the collector of customs, to answer double the value of the same in case of condemnation, and such bond shall be taken to the use of Her Majesty, in the name of the collector or officer of the customs in whose custody the goods or the ship or vessel may be lodged, and such bond shall be delivered into and kept in the custody of such collector or officer, and in case the goods or the ship or vessel shall be condemned, the value thereof shall be paid into the hands of such collector or officer, who shall thereupon cancel such bond.

29. And it is hereby further ordered, that no suit shall be commenced for the recovery of any penalty or forfeiture under this Order, or any Order or Act relating to the customs, or to trade or navigation, except in the name of some superior officer of the customs, or of some officer of the navy, or of Her Majesty's Advocate or Attorney-General; and if a question shall arise whether any person is an officer of customs or of the navy, *vis à vis* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

30. And it is hereby ordered, that if any goods shall be seized for any cause of forfeiture under this order, and any dispute shall arise whether the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on

the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

31. And it is hereby further ordered, that no claim to anything seized under this Order, or any Order or Act relating to the customs, or to trade or navigation, and returned into any of Her Majesty's courts 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.

32. And it is hereby further ordered, that no person shall be admitted to enter a claim to anything seized, in pursuance of this Order, or any Order or Act relating to the Customs, or to trade or navigation, and prosecuted in the said colony, until sufficient security shall have been given in the court where such seizure is prosecuted, in a penalty not exceeding sixty pounds to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

33. And it is hereby further ordered, that, if upon any trial a question shall arise whether any person is an officer of the customs or navy, evidence of his having acted as such shall be deemed sufficient, and such person shall not be required to produce his commission or deputation unless sufficient proof shall be given to the contrary, and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty upon the conviction of the party charged in such suit or information.

34. And it is hereby further ordered, that no writ shall be sued out against nor a copy of any process served upon any officer of the customs or navy, or other person as aforesaid, for any thing done by him in pursuance of this Order or any Order or Act relating to the Customs or to trade or navigation or otherwise 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 of 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 any cause of action shall be produced except such as shall be stated in such notice; and in case the plaintiff shall not prove on the trial that such notice was given, the jury shall find for the defendant.

35. And it is hereby further ordered, that every such action shall be brought within three calendar months after the accrual of the causes of action, and the venue shall be laid and the cause tried in the place or district where the facts were committed, and the defendant may plead the general issue, and under it give the special matter in evidence; and whenever, in any such action, the plaintiff shall become nonsuited or shall discontinue the action, or if a verdict shall be found or judgment shall be given for the defendant, he shall be entitled to full costs of suit, and have such remedy for the same as any defendant can have in other cases where costs are given by law,