

Lib. J. R. impowered to hear and determine the same, and whose Judgment
& U. S. therein shall be final. Provided always, that no Justice who shall sit on the first hearing of any such Cause shall sit to hear, and determine the same Cause in Case any such Appeal shall happen to be made therein. And the said Justices of the several Counties, within this Province are hereby authorized and strictly enjoined and required, upon any Complaint or Information exhibited and brought of any such Forfeiture made, and Offence committed contrary to this Act except as before excepted) to summon the Party accused, and upon his or their Appearance or Contempt to proceed to examine Witnesses upon the Matters of Fact, and upon due Proof thereof either by Confession of the Party, or by the Oath, or Affirmation if a Quaker, of one or more credible Witnesses, to give Judgment or sentence as before is directed and to award, and issue out Warrants under their Hands and Seals, directed to the Sheriff of the County for the levying of such Forfeiture, Penalties, and Fines, as by this Act are imposed for any such Offences committed, upon the Goods and Chattels of such Offender and to cause Sale to be made of such Goods, and Chattels (if they are not redeemed within five Days) rendering to the parties the Overplus, if any be, the Charges of Distress, and Sale being first deducted; and for Want of sufficient Distress, to imprison the Party offending 'till satisfaction made.

p. 109

And be it further Enacted, that if the said Magistrate, Collector, or his Deputy or any Constable shall be sued, and prosecuted for any thing done by them in pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for his or their Justification.

And for Encouragement of persons who shall distill Spirits from any Grain or Fruits of the Growth of this Province, Be it Enacted, that it shall be lawful to and for any Distiller in this Province, to sell to any Retailer, or Retailers, any Quantity of such Spirits of his own distilling, not less than five Gallons to one Person, and to be delivered at one time, making Entries thereof within the space of ten Days with the Collector of the County where he resides, with the Retailers Name and place of Abode to whom sold and number of Gallons, and also at the same time, taking an Oath, or Affirmation if a Quaker, that the same Spirits by him sold, as aforesaid, were bonâ fide, distilled in this Province, and as he is informed and verily believes from Materials of the Growth or Produce thereof, and are clear of all Mixture of Rum, or any other foreign Spirits whatsoever; and the