

disposing of any kind of spirituous or fermented liquors, or any other articles of traffic, or shall sell, give, barter, or otherwise dispose of any spirituous or fermented liquors, or any other articles of traffic, within two miles of any festival or picnic held in Worcester county, for the benefit of Churches or Schools, during the time of holding any festival or picnic at such place, such person or persons on conviction before a Justice of the Peace of Worcester county, for the first offence shall be fined not less than five nor more than twenty dollars, or be committed to jail for a period of thirty days, in default of payment of fine and costs, and for the second offence, shall be fined as aforesaid, and be imprisoned not less than ten, nor more than thirty days.

Penalty for violating.

Additional penalties.

Duty of Sheriff or Constable.

Proviso.

SEC. 2. *And be it enacted*, That if any person shall commit an offence against the provisions of the preceding section, he shall, in addition to the penalties therein mentioned, forfeit all such spirituous or fermented liquors and other articles of traffic, and all the chests and other things containing the same, belonging to and in the possession of the person so offending, together with such booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance or thing prepared and used in violation of said section, and it shall be the duty of the Sheriff or any Constable of Worcester county, if he sees any person violating the preceding section, to arrest the offender, and carry him before a Justice of the Peace of said county; the Sheriff or Constable, when he arrests the offender, shall seize the property hereby declared to be forfeited, or shall seize the same on a warrant against the offender, if such offender cannot be found; and the Justice of the Peace before whom such offender is convicted, or before whom the warrant is returned that the offender cannot be found, shall enter judgment of condemnation against such property, and issue a *fieri facias* for the sale thereof; *provided*, the person who has been returned not found, and whose property has been condemned in his absence, may appear at any time before the sale of the property and have the case tried, as if he had appeared at the return of the warrant.