

deputy, or any other person discovering or suing for the same; and every merchant, owner or importer, factor or agent, who shall be guilty of smuggling any dutiable articles contrary to law, shall, upon the oath of one or more credible witnesses, forfeit and pay, for every such offence, one hundred pounds current money; and if any merchant, owner or importer, factor or agent, shall knowingly render a false account of any such dutiable articles, he shall forfeit and pay one hundred pounds current money, and shall suffer as in case of wilful and corrupt perjury.

C H A P.
LXXXIV.

VI. **And be it enacted,** That any naval officer of this state, or his deputy, shall have full power and authority to go on board, and enter upon, any ship or vessel within this state, and the same to examine and search, and from thence to take and send on shore any goods, wares or merchandise, liable to duty by law, if such duty be not paid, or secured to be paid, as aforesaid, within ten days after the arrival or entry of such ship or vessel, and such goods, wares or merchandise, taken or sent on shore, to detain and secure until due payment of such duties be made, and if such payment be not made nor security given within two days from the time of such seizure, the naval officer is hereby empowered to sell the same at auction, or so much thereof as will be sufficient to pay the duties, and ten *per centum* thereon for charges of such seizure and sale; provided that notice shall be given of such sale, at the least two weeks in the public news-papers at or nearest the port or place where the same shall happen; and the said naval officer or his deputy is, hereby authorized to be and remain on board any ship or vessel, until all dutiable articles imported therein shall be *unladen* and discharged; and if any master or commander of any ship or vessel shall refuse or prevent any naval officer, or his deputy, from entering on board his ship or vessel, or shall offer any violence to him, or either of them, or suffer the same to be done on board his ship or vessel by any of her crew, he shall forfeit and pay one hundred pounds current money; and if any person shall, with clubs or other weapon, forcibly resist, beat, wound, prevent or impede, any naval officer, or his deputy, in the execution of his duty, or shall attempt to rescue any ship or other vessel, or any goods, wares or merchandise, seized according to law, every such person shall forfeit and pay not exceeding three hundred pounds current money, or suffer imprisonment not exceeding six months, for every such offence, at the discretion of the judges of the general court, or justices of the county court, where the offence shall be tried; and if any naval officer or his deputy shall, directly or indirectly, take or receive any bribe, recompence or reward, or shall connive at or collude with any person making a false entry of any goods, wares or merchandise, the naval officer or his deputy, so offending, shall forfeit and pay one hundred pounds current money, and be for ever after disabled in his office, and rendered incapable of holding any office or employment relating to the duties or customs within this state; and the person giving or offering any such bribe, recompence or reward, shall forfeit and pay one hundred pounds current money.

Naval officers
may enter
vessels, &c.

VII. **And be it enacted,** That it shall and may be lawful to and for any naval officer, or his deputy, by warrant, under the hand of a justice of the peace (which warrant shall not be granted but upon information made upon oath or affirmation before the said justice), accompanied with a constable, to break open, in the day-time, any house, warehouse, storehouse or cellar, to search for, seize, and carry away, any goods, wares or merchandise, subject to duty by law, and for which the said duty shall not have been paid, or secured to be paid, as aforesaid; and if any naval officer, or his deputy, or constable, shall be sued or molested for any thing done in execution of the powers by this act given, such naval officer, deputy or constable, may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be nonsuit, or judgment pass against him, the defendant shall recover double costs; and in all actions, suits or informations, to be brought, or where any seizure shall be made pursuant to this act, if the property thereof be claimed by any person as owner thereof, in every such case the *onus probandi* shall be upon such owner or claimer; and if any person shall, with clubs or other weapons, forcibly hinder, beat, wound, or in anywise oppose, impede or prevent, the said naval officer, or his deputy, or constable, in the execution of any such warrant granted as aforesaid, or shall offer any violence to any

Break open
houses, &c.