

mixed or strong drink, and other articles of traffic, and all vessels, chests and other things containing the same, and belonging to or in possession of the person or persons so offending, together with such booth, stall, tent, carriage, vehicle or other contrivance or thing prepared and used for the purposes aforesaid, shall be and are hereby declared to be forfeited, and it shall be lawful for any justice of the peace or constable, with one or more freeholders of the county in which the said grounds of the said society may for the time being be situated, to seize and take possession of all or any part of the said forfeited property, and at any time within ten days thereafter, to advertise and sell the same, and after deducting and paying the necessary expenses attending such seizure and sale, shall pay over to the county treasurer or collector, as the case may be, of said county, for the use of the commissioners of said county, the residue of the proceeds of such sale or sales, and the person or persons so offending, shall, on conviction as aforesaid, pay a fine of not less than ten or more than one hundred dollars, said fine to be paid over to the collector or treasurer as aforesaid, of the county as aforesaid, for the use of the commissioners of the said county.

Construction
of act.

SEC. 3. *And be it enacted*, That nothing contained in this act shall be taken or construed so as to effect any licensed tavern keeper, in his or her ordinary and lawful business, at his or her usual place of residence, nor shall it be so taken or construed as to effect any merchant, shopkeeper or farmer, mechanic or other person in the usual and lawful transactions of his, her or their ordinary concerns, dealings and business in their usual places of transacting and carrying on such business; nor shall it be so taken, construed or understood as to prevent the sale within the enclosed grounds of the said society of any articles of refreshment or traffic, or of any other sort with the consent, and under the direction and control of the executive committee of the said society.

Defendant
may plead
general issue.

SEC. 4. *And be it enacted*, That if any suit or action shall be instituted against any person or persons, for or on account of any seizure or sale of any goods or effects under the authority of this act, or for doing or causing to be done, or aiding or assisting in doing any thing in pursuance of this act, according to the provisions thereof, the defendant or defendants may plead the general issue, and give the special matter under this act in evidence.