

C H A P.
XXVI.

of the said cases, upon conviction thereof in the county or general court, such distiller or maker of whiskey or other spirits, or other person or persons, acting contrary to the directions of this act, or the person or persons in whose custody or possession any such tun, cask, copper, still, or other vessel or utensil, made use of contrary to the intention of this act, be found, shall respectively, for every such offence, forfeit and pay the sum of five hundred pounds, and incur also a forfeiture of the value of all such wheat, rye, Indian corn, barley, or other grain, and all such flour, meal, malt, beer made of grain, whiskey and spirits, and of all such stills, vessels, or other utensils, to be ascertained and assessed by the jury by whom the cause shall be tried.

Constables to
enquire into
offences, &c.

IV. **And be it enacted,** That each of the constables in the respective hundreds or districts in this state shall, and he is hereby enjoined and required, under the penalty of one hundred and fifty pounds, carefully and diligently to enquire into offences committed against this act, and having any knowledge of any such offence, he shall forthwith give information thereof to the next justice of the peace, who shall immediately issue his warrant, directed to the sheriff and other peace officers of the city or county where such offender dwells, requiring such sheriff or other peace officer forthwith to apprehend the said offender, and bring him before him, or some other justice of the peace, who shall cause the said offender to enter into recognizance, with sufficient surety, to be and appear at the next county court, to answer the premises, and abide the judgment of the court; and for want of such security, the said justice shall, and he is hereby enjoined to commit the said offender to the gaol of the said county, there to remain until he be legally discharged; which said recognizance, with such as shall be taken for the appearance of the witnesses, shall be duly certified by the said justice to the next county or general court, where such offender shall be proceeded against, by indictment, as is usual in like cases.

To return the
names of of-
fenders, &c.

V. **And be it enacted,** That all and every the constables of the respective hundreds or districts in this state shall, and are hereby enjoined and required to return, on oath or affirmation, the names and places of abode of all persons in their several hundreds or districts offending against this act, which said oath or affirmation the justices in their respective counties are hereby enjoined to administer.

How forfeit-
ures are to be
applied.

VI. **And be it enacted,** That all forfeitures which may arise in pursuance of this act, shall be collected by the respective sheriffs of the city or county where such forfeitures arise, and the said sheriff shall transmit one moiety thereof to the treasurer of his shire, to be disposed of by the general assembly, and shall pay the other moiety to the constable or other person or persons informing against the offender.

Duration.

VII. **And be it enacted,** That this act shall commence on the twentieth day of January next, and shall remain and continue in force until the twentieth day of March next, and until the end of the next session of assembly which shall happen thereafter.