

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.

C H A P.  
LXXXIV.

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 any wise 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 of them, 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 court where the offence shall be tried.

Break open  
houses, &c.

VIII. And whereas it is just and reasonable that duties on all damaged goods, wares and merchandise, imported into this state, should be paid only on the value thereof, Be it enacted, That the value of all damaged articles subject to duty by law shall be ascertained by the oath, or affirmation, of two impartial men, judges of merchandise, one of which shall be chosen by the owner of such damaged goods, and the other by the naval officer, and in case of disagreement in the opinions of these two, a third person shall be named and chosen by them, who shall also act upon oath or affirmation, and the opinion of any two of them shall be conclusive, and the duties settled accordingly.

Value only of  
goods da-  
maged to be  
paid, &c.