

Mode to be
pursued
towards
violators.

to be forfeited, be, and the same are hereby repealed; and that from and after the passage of this act, it shall be the duty of all sheriffs, deputy sheriffs, justices of the peace, and constables, to whose knowledge any offence or offences against the said act of eighteen hundred and twenty-four, shall or may come, either by information on oath or by personal observation, immediately to arrest or cause to be arrested the offender or offenders, and carry or cause to be carried, said offender or offenders before some justice of the peace, and in case the offence or offences shall or may consist in a violation of the provisions of the first section of said act, immediately to seize and impound, or cause to be seized and impounded, the property declared by said act to be forfeited, and the same to keep safely, or cause to be kept safely, till condemnation thereof is made as herein after provided.

Penalty.

SEC. 2. *Be it further enacted*, That on the conviction of any person or persons of any offence or offences against the provisions of said act of eighteen hundred and twenty-four, before a single justice of the peace, said offender or offenders shall by the said justice of the peace, for the first offence be fined not less than five or more than twenty dollars, and stand committed to the county jail till said fine and the costs thereof are paid, unless the party accused shall give bail for his appearance at the next county court; and the said judgment shall be enforced by execution from the county court, unless the said court shall reverse said judgment; and for the second offence to be fined as aforesaid, and imprisoned in the jail of the county where said offence shall or may have been committed, for not less than ten or more than thirty days, unless bail be given as aforesaid; and in case said offence or offences shall consist in a violation of the first section of said act of eighteen hundred and twenty-four, it shall be the duty of the justice of the peace before whom said offender or offenders shall or may be convicted, or before whom any warrant issued for the arrest of such offender or offenders shall or may be returned non est, to enter a judgment of condemnation against the property declared by said act to be forfeited, and issue a warrant in the nature of a writ of fieri facias, directed to some constable, or to the sheriff of the county in which said offence or offences shall or may have been committed, commanding him to sell said property; and on the receipt of said warrant it shall be the duty of the sheriff or constable to whom it is directed, to advertise and sell said property in the same manner as if he were executing an ordinary fieri facias, and apply the proceeds thereof in the manner pointed out by said act of eighteen hundred and twenty-four; *Provided also*, the defendant shall have a right to appeal at any time before the sale of the said property, to warrant when all

Proviso.