

LXI. And be it enacted, That it shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure, or of anything done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the Court or jury (as the case may be) shall find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before issued joined, to pay money into Court as in other actions.

Officer may tender amends and plead such tender in bar.

Costs to Defendant if successful.

Proviso: money may be paid into Court.

LXII. And be it enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant can have in other cases where costs are given by Law.

Action to be brought within a certain time and at a certain place.

Costs.

LXIII. And be it enacted, That in any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than one shilling damages nor to any costs of suit.

If probable cause be certified upon the record, the Plaintiff's damages and costs limited.

LXIV. And be it enacted, That in case any information or suit shall be brought to trial, or determined, on account of any seizure made under this Act, and a verdict shall be found, or decision or judgment given for the claimant thereof, and the Judge or Court before whom the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, or the value thereof, shall not be entitled to more than one shilling damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than six pence.

On the trial of the validity of any seizure, no costs shall be recovered by claimant if probable cause of seizure be certified.

Damages limited in action arising out of seizure if probable cause existed for such seizure.

LXV. And be it enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Act relating to the customs, may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred; any law, usage, or custom to the contrary notwithstanding.

Limitation of time for bringing suits for penalties, &c.

LXVI. And be it enacted, That an appeal shall lie from the conviction by any justices of the Peace under this Act to the Quarter Sessions to be tried by a Jury in the same manner

Appeals to lie as in other cases.