

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 shall be given against the Defendant, the Plaintiff, besides the thing seized, or the value thereof, shall not be entitled to more than two pence damages, nor to any costs of suit, nor shall the Defendant in such prosecution be fined more than one shilling.

Officer may tender
amends.

LXXIII. *And be it further enacted,* That it shall be lawful for such Officer, 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 Jury shall find the amends sufficient, they shall give a 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 demurer, 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 issue joined, to pay money into Court as in other actions.

Judge may certify
probable cause of
action.

LXXIV. *And be it further 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 two pence damages, nor to any costs of suit.

Recovery and applica-
tion of penalties.

LXXV. *And be it further enacted,* That all penalties and forfeitures recovered in any of the British possessions in America under this Act, or under any Act made for the prevention of Smuggling, or relating to the Revenue of Customs, or to Trade or Navigation, shall be paid into the hands of the Collector or Controller of the Port or place in the British possessions in America where the same shall have been recovered, and shall be divided, paid and applied, as follows: (that is to say) after deducting the charges of prosecution from the produce thereof, one-third part of the net produce shall be paid into the hands of the Collector of His Majesty's Customs, at the Port or place where such penalties or forfeitures shall be recovered, for the use of His Majesty; one-third part for the Governor or Commander-in-Chief of the said Colony or Plantation; and the other third part to the person who shall seize, inform, and sue for the same; excepting such seizures as shall be made at sea by the Commanders or Officers of His Majesty's ships of war, duly authorized to make seizures, one moiety of which seizures, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the