

be condemned in his Majesty's Court of King's Bench, shall be sold by public auction to the best bidder by the collector or deputy of the port or harbour where the same shall be seized, and at the place where such vessels, boats, rafts or carriages shall be seized.

*Provisions in case of actions or prosecution for things done under this act.*

XIX. *And be it enacted by the authority aforesaid,* That if any collector or deputy, or other person executing or aiding in the seizure of any vessel, boat, raft, or carriage, cattle, horse, or horses, harness, tackle, apparel or furniture, goods, wares or merchandize, or other thing whatsoever, shall be sued or prosecuted for any thing done in virtue of the powers of this Act; or by virtue of a warrant granted to any Justice of the Peace, pursuant to law, such officer or other person may plead the general issue and give this Act and the special matter in evidence; and if in such suit the plaintiff shall be nonsuited or judgment pass against him, the defendant shall recover double costs, and in case any information shall be commenced and brought to trial on account of the seizure of any vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other things whatsoever as forfeited by this Act, wherein a judgment shall be given for the claimant, and it shall appear to the Court before whom the same shall be tried, that there was a probable cause of seizure, the court shall certify on the record that there was a probable cause for seizing the same, and in such case the defendant shall not be entitled to any costs whatsoever, nor shall the persons who seized be liable to any action or prosecution on account of such seizure: And in case any action or prosecution shall be commenced and brought to trial against any person whatsoever on account of the seizing any such vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares or merchandize, or other thing where no information shall be commenced or brought to trial to condemn the same, and a judgment shall be given upon such action or prosecution against the defendant or defendants, if the court before whom such action or prosecution may be brought, shall certify in like manner as aforesaid that there was a probable cause for such seizure, then the plaintiff, besides the vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other thing or things so seized, or the value thereof, shall not be entitled to above one shilling damages, nor to any costs of suit, nor shall the defendant in any such action or prosecution be fined above one shilling; Provided always, and be it enacted by the authority aforesaid, That all and every such goods, wares or merchandize, vessel, boat, raft, or carriage, horse or horses, cattle, harness, tackle, apparel, or

*When seizures to be advertised for sale.*