

whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize and stop the same :

And be it further enacted, that no claim to any thing seized under this Act, and returned into any of His Majesty's courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief ; and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour :

And be it further enacted, that no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, and prosecuted in any of the British possessions in America, until sufficient security shall have been given in the court where such seizure is prosecuted, in a penalty, not exceeding sixty pounds, to answer and pay the costs occasioned by such claim ; and, in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned :

And be it further enacted, that no writ shall be sued out against, nor a copy of any process served upon, any officers of the customs or navy, or other person as aforesaid, for anything done in the exercise of his office, until one calendar month after notice, in writing, shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process ; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent ; and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice ; and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given ; and in default of such proof the defendant shall receive in such action a verdict and costs :

And be it further 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 nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law :

And be it further enacted, that in case any information or suit shall be brought to trial on account of any seizure made under this Act, and a verdict shall be found for the claimant thereof, and the judge or court before whom the cause shall have been tried 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 shall be given against the defendant, the plaintiff, besides the things 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 :

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 nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, 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 :

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