

entitled to more than two pence damages, nor to any costs of suits :

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 possession 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 to 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 seizure as shall be made at sea by the commanders or officers of His Majesty's ships of war, duly authorised to make seizures, one moiety of which seizures, and of the penalties and forfeitures recovered thereon (first deducting the charges of prosecution from the gross produce thereof), shall be paid as aforesaid to the collector of His Majesty's customs, to and for the use of His Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law, custom, or usage to the contrary notwithstanding, subject, nevertheless, to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to His Majesty, as with regard to the other moiety given to the seizor or prosecutor, as His Majesty shall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations to be made for that purpose :

And be it further enacted, that all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, 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 :

Provided always, and be it further enacted, that in any case in which proceedings shall have been, or shall hereafter be, instituted in any court of vice-admiralty, or other competent court in any of His Majesty's possessions abroad, against any ship, vessel,

boat, goods, or effects, for the recovery of any penalty or forfeiture under any Act for the prevention of smuggling, or relating to the revenue of customs, or to the trade or navigation of the United Kingdom, or of any of His Majesty's possessions abroad, the execution of any sentence or decree, restoring such ship, vessel, boat, goods, or effects, to the claimant thereof, which shall be pronounced by the said vice-admiralty court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such sentence, provided that the party or parties appellate shall give sufficient security, to be approved of by the court, to render and deliver the ship, vessel, boat, goods, or effects, concerning which such sentence or decree shall be pronounced, or the full value thereof, to be ascertained either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said court, to the appellant or appellants, in case the sentence or decree so appealed from shall be reversed, and such ship, vessel, boat, goods, or effects be ultimately condemned :

And whereas it is expedient that all those parts of the said Act, made in the fourth year of the reign of His present Majesty, which are hereinbefore particularly recited, should be extended and applied to Port Elizabeth, in the colony of the Cape of Good Hope, so that the said port may be made a free warehousing port, within the meaning, and for the purposes of, the said Act :

His Majesty doth, therefore, with the advice of His Privy Council, and in further pursuance and exercise of the powers vested in Him by the last recited Act, order, and it is hereby ordered, that all and every the said enactments and declarations in the said Act so passed in the fourth year of the reign of His present Majesty, so far as the same are hereinbefore recited, shall be, and the same are hereby, extended and applied to the said port of Port Elizabeth ; and it is ordered, that the said port of Port Elizabeth shall be, and it is hereby declared to be, a free warehousing port, within the meaning, and for the purposes, of the above recited Act ; and, from and after the day on which this present Order shall be promulgated within the said colony of the Cape of Good Hope, all the provisions, penalties, and forfeitures in the said Act contained, respecting the free warehousing ports therein mentioned, shall be deemed and construed to extend to the said Port