

VIII. And be it enacted, that when the lands, tenements, or real property, mentioned in the said Oath or notice, are, together with other lands, tenements or real property, belonging to the person taking such Oath or delivering such notice, liable to any charges, rents, or incumbrances, then and in that case, within the true intent and meaning, and for the purposes of this Act, the lands, tenements and real property mentioned in the said oath or notice, shall be deemed and taken to be liable and chargeable only so far as the other lands, tenements and real property so jointly charged, are not sufficient to pay, satisfy or discharge the same.

If the lands belonging to the persons taking such oath and those mentioned in the same, be liable to any charge, the latter to be chargeable only so far as the lands so jointly charged may be insufficient to discharge the charges.

IX. Provided always, and be it enacted, that when the qualification hereby required on any part thereof, consists of rent, it shall be sufficient to specify in such oath or notice as aforesaid, so much of the lands, tenements, or real property, out of which such rent is issuing, as shall be of sufficient value to secure such rent.

If such qualification consists of a rent, then so much of the lands as may suffice to secure the same to be specified in such oath.

X. Provided always, and be it enacted, that in case the plaintiff or informer in any such action, suit or information, shall discontinue the same, otherwise than as aforesaid, or judgment be given against him, then and in every such case, the defendant shall recover treble costs.

Defendant if successful to recover treble costs.

XI. Provided always, and be it enacted, that when an action, suit or information shall be brought, and due notice thereof shall be given to the person against whom such action, suit or information shall be brought, no proceedings shall be had upon any subsequent action; suit, or information against the same person, for any offence committed before the time of giving such notice; but the Court where- in such subsequent action, suit or information shall be brought, may upon the defendant's motion, stay proceedings upon every such subsequent action, suit or information; Provided such first action, suit or information, be prosecuted without fraud and with effect, it being hereby declared, that no action, suit or information, shall be deemed or construed to be an action, suit or information within the intent and meaning of this Act, unless it shall be so prosecuted.

When an action is brought and due notice is given, proceedings to be stayed in any subsequent action for any offence committed before the time of giving such notice provided the first action be prosecuted without fraud.

XII. And be it enacted, that the Court in which any action, suit or information shall be brought for the recovery of any penalty imposed by this Act, shall require from the plaintiff or informer, his declaration upon oath that such action, suit or information has been brought without fraud, and not for the purpose of protecting the defendant from any action, suit or information, which might be brought by any other person, by reason of the same offence: and that if such declaration be not made to the satisfaction of the Court, the action, suit or information, shall be immediately dismissed with costs.

Manner of proceeding in actions instituted for the recovery of penalties under this Act.

XIII.