

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.

Amount of security and condition thereof.

XI. And be it further enacted, that no writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, for anything done in the exercise of this 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 action, and 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, or judgment of nonsuit shall be awarded against the plaintiff, as the Court shall direct.

Defines mode of proceeding against any officer of Customs, Excise, Magistrate, &c., for anything done under this Act.

XII. 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 Her Majesty's Supreme Court of Judicature for this island, 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 of 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.

Limits time for bringing any action against any officer of Customs, &c., for anything done under this Act.

Mode of proceeding in such actions.

XIII. 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 therefore, 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 any such seizure; and if any such 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 be entitled to no more than two pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than one shilling.

If verdict be found for any claimant on certificate of Judge or Court, &c., no costs to be allowed to claimant, nor seizing officer liable to any action, &c.

XIV. And be it further enacted, that it shall be lawful for any such officer of the Customs, Excise, or Sheriff, or Magistrate, or other person authorized to seize as aforesaid, 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 nonsuit, 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 or after issue joined, to pay money into Court as in other actions.

Seizing officer, &c., may tender amends within one month after notice of action, and plead such tender, &c.

Officer, &c., may pay money into Court.

XV. 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.

If Judge or Court certifies probable cause of seizure, plaintiff only to be entitled to 2d. damages and to no costs.

XVI. 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 was committed by reason whereof such penalties or forfeitures shall be incurred, any law, usage, or custom to the contrary notwithstanding.

All penalties or forfeitures under this Act may be recovered within three years after the offence committed or forfeiture incurred.

XVII. And be it further enacted, that no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts in this Island, touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced,

No appeal allowed from sentence of any Court under this Act, unless applied for within twelve months, after.

XVIII. And be it further enacted, that this Act shall not go into force or be of any effect until Her Majesty's assent shall be signified thereto, and an order made by Her Majesty in Council, that the clauses and provisions of this Act shall be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the Island of Prince Edward.

Suspending clause.