

County of this Province where the bill, plaint or information may lay the same; and it shall be sufficient to state in the said bill, plaint or information, that any of such facts occurred in the said County where laid, without alleging the place where the same actually happened.

81. No writ shall be sued out against, nor copy of any process served upon any officer of the Provincial Revenue 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 to the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of 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 recover in such action a verdict and costs.

One month's notice to be given before commencing a suit against a Revenue Officer for official acts.

82. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the County or City and County 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 non-suited, 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.

Actions to be brought within three months after cause.

General issue.

Costs when verdict for defendant.

83. In case any information or suit shall be brought to trial on account of any seizure made under this or any other Act relating to the Revenue, 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 be fined more than one shilling.

Costs when verdict is for claimant of goods seized.

84. 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 non-suited, 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.

Tender of amends may be made and pleaded.

Verdict and costs.

85. 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, the plaintiff in such action shall not be entitled to more than two pence damages, nor to any costs of suit.

Damages and costs when acting on probable cause.

86. The liability of any article or articles to seizure under and by virtue of this Act, shall be and continue for the term of two years from the time the same are imported or brought into the Province, and no longer.

Liability of articles to seizure limited to two years from importation.

87. It shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, by order in Council, to direct any ships, boats, goods, chattels or commodities whatsoever seized as forfeited by virtue of this Act, or any Act or Acts of the General Assembly, now or that hereafter may be in force relating to the trade and navigation of this Province, to be restored to the proprietor or proprietors on such terms and conditions as to the said Lieutenant Governor, by and with the advice aforesaid, shall seem proper, which terms and conditions shall be expressed in such order; and also to mitigate or remit any penalty or forfeiture, or any part of such penalty or forfeiture, which shall have been incurred under this Act, or any Act or Acts now in force or that hereafter may be in force relating to the trade and navigation of this Province.

Governor in Council may restore seizures and remit penalties.