

so refusing, shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered and applied as herein after directed.

XCV. *AND be it further Enacted*, That in Case Two of the Persons appointed Commissioners for any of the Counties aforesaid, should die, refuse, or be otherwise rendered incapable to discharge the Duties enjoined them by this Act, then the other Commissioner shall, and he is hereby authorised and required to execute the Duties aforesaid; and the Transactions of such Commissioner shall be as valid, to all Intents and Purposes, as if no such Refusal, Death or Incapacity had happened, any Thing in this Act to the contrary notwithstanding.

XCVI. *AND be it further Enacted, by the Authority aforesaid*, That if any Suit or Action shall be brought or prosecuted against any Person or Persons, for any Thing done, or to be done, in Pursuance of this Act, in every such Case, the Action or Suit shall be commenced within Six Months after the Fact committed, and not afterwards, and the Defendant or Defendants in any such Action or Suit, may plead the General Issue, *Not Guilty*, and give this Act and the special Matter in Evidence, at the Trial to be had thereupon, and that the same was done in Pursuance, and by Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases at Law.

XCVII. *AND be it further Enacted*, That the several Forfeitures and Penalties mentioned in this Act, except where it is otherwise directed by this Act, shall and may be recovered, either in a summary Way before a single Magistrate, where the Penalty does not exceed Fifty Shillings, or in any Court of Record within this Province, where the Penalty does exceed Fifty Shillings, by Action of Debt, Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law, shall be allowed, one Half thereof to the Informer, or him or them that shall sue for the same, the other Half thereof to the Commissioners or Trustees aforesaid, to be by them applied to the sinking of the aforesaid Sum of Forty Five Thousand Pounds. And that all Actions and Suits to be brought and prosecuted, for any Penalty, or Forfeiture, under this Act, shall be commenced within Six Months after
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