

Such Magistrate, &c., may tender amends: consequences of such tender.

III. And be it enacted, That any such Justice, officer or other person acting as aforesaid, may, at any time within one calendar month after the service of such notice as aforesaid, tender amends to the party complaining, or his agent or attorney; and in case the same is not 5 accepted, may plead such tender in bar to any action brought against him grounded on such writ, together with the plea of not guilty, and any other plea; and if the jury shall find the amount tendered to have been sufficient, they shall find for the defendant; but if the jury shall find 10 they were insufficient, or that no tender of amends was made, and they shall also find the other issues against the defendant, or if they find against the defendant where no tender of amends is made or pleaded, then they shall give a verdict for the plaintiff, with such damages as they 15 shall think proper, and the plaintiff shall have his costs of suit.

In what County the venue shall be laid.

Proviso: as to changing the venue.

IV. And be it enacted, That any such action against such Justice, officer or other person, acting as aforesaid, shall be laid and tried within the county where the 20 act complained of was done and committed: Provided always, that such Justice, officer or other person acting as aforesaid may change the *venue* in such action, upon notice to the plaintiff in such action, if he shall think fit so to do; and provided also, that the *venue* may be changed to 25 any County that the Court in which such action is brought, or any Judge in chambers may order, if it shall be made appear to such Court or Judge that such action cannot be tried fairly and without prejudice in the County in which the *venue* in such action is laid. 30

General issue may be pleaded and special matter given in evidence.

V. And be it enacted, That every such Justice, officer or person acting as aforesaid, in any such action or suit as aforesaid, may plead the general issue only thereto, that he or they is or are not guilty, and give all special 35 matters of justification or excuse, or that he or they received no notice of action thereunder, as fully and amply as if the same were specially pleaded in such action.

Magistrate may pay money into Court.

VI. And be it enacted, That it shall be lawful for such Justice, officer or other person acting as aforesaid, if he shall not have tendered amends, or shall have tendered 40 insufficient amends, to pay into Court such sum as he shall think fit, without requiring the leave of the Court or a Judge therefor; and such payment into Court shall be specially pleaded, and shall have the same effect, and such proceedings shall be had thereafter, as in ordinary 45 cases of payment of money into Court.

What costs the Defendant shall recover if successful.

VII. And be it enacted, That if in any such action or suit, judgment shall be rendered in favor of such Justice, officer or other person acting as aforesaid, either in demurrer, verdict, non-suit, or *non-pros*, or the plaintiff 50