

Notice of action to be given, and how.

10. No such Action shall be commenced against any such Justice of the Peace until one calendar month at least after a notice in writing of such intended Action has been delivered to him, or left for him at his usual place of abode, by the party intending to commence such Action, or by his Attorney or Agent, in which notice the cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the said Attorney or Agent, if such notice is served by such Attorney or Agent. (16 V. c. 180, s. 8.)

Venue how to be laid.

Defendant may plead the general issue and give the special matter, &c., in evidence.

11. In every such Action the venue shall be laid in the County where the act complained of was committed, and in Actions in County or Division Courts the Action must be brought in the County or Division within which the act complained of was committed or the Defendant resides, and the Defendant may plead the General Issue and give any special matter of defence, excuse or justification in evidence under such plea, at the trial of such Action. (16 V. c. 180, s. 9.)

Action not to be brought in County or Division Court, if the Justice objects.

County Courts to hold plea of actions against J. P. up to £30.

12. No Action shall be brought in any County or Division Court against a Justice of the Peace for any thing done by him in the execution of his office if such Justice objects thereto; and if within six days after being served with a notice of any such Action, such Justice or his Attorney or Agent, gives a written notice to the Plaintiff in the intended Action that he objects to being sued in such County or Division Court for such cause of action, no proceedings shall afterwards be had in such County or Division Court in any such Action, but it shall not be necessary to give another notice of Action in order to sue such Justice in any other Court. (16 V. c. 180, s. 9.)

Tender and payment of money into Court by Justice.

13. In every such case after notice of Action has been given as aforesaid, and before such Action has been commenced, the Justice to whom such notice has been given may tender to the party complaining, or to his Attorney or Agent, such sum of money as he thinks fit as amends for the injury complained of in such notice: and after such Action has been commenced, and at any time before issue joined therein, such Defendant, if he has not made such tender, or in addition to such tender, may pay into Court such sum of money as he thinks fit, and such tender and payment of money into Court, or either of them, may afterwards be given in evidence by the Defendant at the trial under the General Issue. (16 V. c. 180, s. 10.)

If Jury thinks plaintiff entitled to no greater damages, they shall give a

14. If the jury at the trial are of opinion that the Plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money, if any, so paid into Court, or so much thereof