

Tender and payment of money into Court.

If the Jury think the Plaintiff entitled to no greater damages, they shall give a verdict for the Defendant.

If the Plaintiff accepts the money.

In certain cases Plaintiff to be nonsuited, or verdict given for the Defendant.

Damages.

X. And be it enacted, That in every such case after notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such notice shall be given may tender to the party complaining, or to his Attorney or Agent, such sum of money as he may think fit as amends for the injury complained of in such notice; and after such Action shall have been commenced, and at any time before issue joined therein, such Defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, and which said 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 aforesaid; and if the jury at the trial shall be of opinion that the Plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, or beyond the sums so tendered and 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 as shall be sufficient to pay or satisfy the Defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the Plaintiff; or if, where money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an order that such money shall be paid out of Court to him, and that the Defendant shall pay him his costs to be taxed, and thereupon the said Action shall be determined, and such order shall be a bar to any other Action for the same cause.

XI. And be it enacted, That if at the trial of any such Action the Plaintiff shall not prove that such Action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the cause of Action stated in such notice, or if he shall not prove that such cause of Action arose in the County or place laid as venue in the margin of the declaration, or (when such Plaintiff shall sue in the County or Division Court) within the County or United Counties for which such Court is holden, then and in every such case such Plaintiff shall be nonsuit, or the Jury shall give a verdict for the Defendant.

XII. And be it enacted, That in all cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any Conviction or Order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any