

the plaintiff or plaintiffs that such person or persons dis-
 claim any interest in the premises and is or are willing to
 give up possession thereof; and if such person or per-
 sons shall, after such notice, give up possession and pay
 5 or tender to the plaintiff or plaintiffs a sufficient amount
 to cover all claims for the rents, issues, profits or occupa-
 tion of the premises, and all reasonable costs incurred
 and damages occasioned to such premises while in the
 occupation of such person or persons, the proceedings in
 10 such suit may, on the application of such person or per-
 sons, be stayed by the Court in which the same shall be
 pending, or a Judge in Chambers; Provided nevertheless,
 that if a sum insufficient shall be tendered, the plaintiff or
 plaintiffs shall be entitled to proceed for any larger amount
 15 to which he or they may consider himself or themselves
 entitled, but if on the trial a verdict shall be rendered
 against the plaintiff or plaintiffs, or a verdict shall be
 rendered in his or their favor for a sum not exceeding the
 amount tendered, the plaintiff or plaintiffs shall pay all
 20 costs subsequent to such tender, and shall only be entitled
 to levy the amount of the verdict, after deducting there-
 from the defendant's costs subsequent, together with
 costs to the time of such tender.

Proviso: if
 the sum
 tendered be
 insufficient.

VII. And be it enacted, That in all cases when the
 25 party in possession or in the occupation of lands shall,
 after service of a summons under this Act, abandon or
 give up possession of the premises mentioned in such
 summons, and forthwith notify the plaintiff or his attorney
 thereof, and that the plaintiff may enter thereon, the plain-
 30 tiff shall cause a statement of the costs incurred to be
 rendered to such party, and on payment of such costs the
 suit shall be discontinued, unless the plaintiff shall pro-
 ceed in the same for the purpose of recovering damages
 for the rents, issues, profits or occupation of the premises,
 35 or for injury, waste or spoil done or committed thereon
 by such party or parties, or others under him or them
 during the possession of the premises by such party or
 parties; and if the plaintiff or plaintiffs shall proceed in
 such action, and a verdict shall be given for the defend-
 ant, or shall not be given for the plaintiff or plaintiffs for
 40 a greater amount than *five pounds*, the plaintiff or plaintiffs
 shall pay all costs in the suit to the defendant, who shall
 be at liberty to levy any amount of such costs exceeding
 the said sum for which such verdict shall be given.

As to costs in
 cases where
 the defendant
 shall give up
 possession.