

put to him by such Commissioner, or if such person was committed for refusing to be sworn, or for not signing his examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, that such Court or Judge shall, if required thereto by the party committed, in case the whole of the examination of the party committed shall not have been stated in the Warrant of commitment, inspect and consider the whole of the examination of such party, whereof any such question was a part, and if it shall appear from the whole examination, that the answer or answers of the party committed is or are satisfactory, such Court or Judge shall or may order the party so committed to be discharged.

In actions in respect of commitment, Court on requisition to inspect the whole examinations if not stated in the Warrant.

XIV. And be it enacted, That in every action in respect of any such commitment brought by any Bankrupt or other person committed, the Court or Judge before which or whom such action shall be tried, shall if thereunto required by the Defendant or Defendants in such action, in case the whole of the examination of the party committed shall not be stated in the Warrant of commitment, inspect and consider the whole of such examination, and if upon such inspection and consideration it shall appear to such Court or Judge that the party was lawfully committed, the Defendant or Defendants in such action shall have the same benefit therefrom as if the whole of such examination had been therein stated.

Protection to Commissioners from actions for acts done as such.

XV. And be it enacted, That no Writ shall be sued out against, nor copy of any process served on any Commissioner for any thing done by him as such Commissioner, unless notice in writing of such intended Writ or Process shall have been delivered to him or left at his usual place of abode by the Attorney or Agent for the party intending to sue, or cause the same to be sued out or served at least one calendar month before the suing out or serving the same, and such notice shall set forth the cause of action which such party has or claim to have against such Commissioner, and on the back of such notice shall be indorsed the name of such Attorney or Agent, together with the place of his abode, who shall receive no more than twenty shillings for preparing and serving such notice.

No verdict to be given against any Commissioner unless notice of action be proved, and no evidence to be given of any cause of action, except as contained in the notice.

XVI. And be it enacted, That no such Plaintiff shall recover any verdict against such Commissioner, in any case where the action shall be grounded on any act of the Defendant or Commissioner, unless it be proved upon the trial of such action that such notice was given as aforesaid, but on default thereof such Commissioner shall recover a verdict and costs, and no evidence shall be permitted to be given by the Plaintiff on the trial of any such action, of any cause of action except such as is contained in the notice.

Commissioner may tender amends before action, and plead such tender, or pay into Court with leave before issue joined.

XVII. And be it enacted, That every such Commissioner may at any time within one calendar month after such notice, tender amends to the party complaining or to his Agent or Attorney, and if the same be not accepted, may plead such tender in bar of any action brought against him grounded on such Writ or Process, together with the plea of not guilty, and any other plea with leave of the Court, and if upon issue joined thereon the Jury shall find the amends so tendered to have been sufficient, they shall give a verdict for the Defendant, and if the Plaintiff shall become nonsuit, or shall discontinue his action, or if judgment shall be given for such Defendant on demurrer, such Commissioner shall be intitled to his costs, and if upon issue so joined the Jury shall find that no amends were tendered, or that the same were not sufficient, and also against the Defendant on such other plea or pleas, they shall give a verdict for the Plaintiff and such damages as they shall think proper, which he shall recover together with costs of suit; provided that if any Commissioner shall neglect to tender any amends or shall have tendered insufficient amends before the action brought, he may by leave of the Court where such action shall depend, at any time before issue joined, pay into Court such sum of money as he shall think fit, whereupon such proceedings shall be had in Court as in other actions where the Defendant is allowed to pay money into Court.

All actions for acts done in pursuance of this act to be commenced within three Calendar months.

XVIII. And be it enacted, That every action brought against any person for any thing done in pursuance of this Act, shall be commenced within three calendar months next after the fact was committed, and the Defendant or Defendants in any such action may plead the general issue, and give this Act and the special matter in evidence at the trial, and that the same was done by authority of this Act, and if it shall appear so to have been done, or that such action was commenced after the time limited for bringing the same, the Jury shall find for the Defendant or Defendants.