

of assault and imprisonment. Upon which it has been held that the Court may allow the defendant, *after* issue joined, to withdraw the general issue, pay money into Court, and plead *de novo*, *Devaynes v. Boys*, 2 Marsh. 356; S. C. 7 Taunt. 33. And the same point was ruled in *Nestor v. Newcome*, 3 B. & C. 159. However, it seems that this section is not in force, and as the Code *supra* takes away any common law power of the Courts to allow a payment of money into Court to operate by way of amends in such actions, it would appear to follow that a justice can have no benefit of the second section, unless he has tendered amends before action brought. But the purpose for which the Act gives him the opportunity of tendering amends supposes him unable to justify the facts, and that he therefore requires notice of action that he may tender amends.

CAP. XIII.

An Act for the further Reformation of Jeofails.

Whereas in the two and thirtieth Year of the Reign of King *Henry* the Eighth, of famous Memory, a good and profitable Law, intituled, *An Act concerning mispleading Jeofails, and Attornies*, was made and enacted: (2) And likewise, another good and profitable Law was made in the eighteenth Year of the Reign of our late Sovereign Lady Queen *Elizabeth*, intituled, *An Act for Reformation of Jeofails*; (3) by which Laws many Delays of Judgments were prevented, and yet notwithstanding, many Things have, and daily do fall out, not yet provided for, nor remedied by the Laws before-mentioned.

II. Be it therefore enacted by the Authority of this present Parliament, That if any Verdict of twelve Men or more, shall hereafter be given for the Plaintiff or Demandant, or for the Defendant, or Tenant, Bailiff in Assize, Vouchee, Pray in Aid, or Tenant by Receipt, in any Action, Suit, Bill, Complaint or
443 *Demand in any Court of Record, the Judgment thereupon shall not be stayed nor reversed by Reason of any Variance in Form only, between the Original Writ or Bill, and the Declaration, Complaint or Demand; (2) or for Lack of an Averment of any Life or Lives of any Person or Persons, so as upon Examination, the said Person be proved to be in Life; (3) or by Reason that the *Venire facias*, *Habeas corpora* or *Distringas* is awarded to a wrong Officer, upon any insufficient Suggestion; (4) or by Reason the *Visne* is in some Part misawarded or sued out of more Places, or of fewer Places than it ought to