

shall be made for any Kind of Rent justly due, and any Irregularity or unlawful Act shall be afterwards done by the Party or Parties distraining, or by his, her, or their Agents; the Distress itself shall not be therefore deemed to be unlawful, nor the Party or Parties making it be deemed a Trespasser or Trespassers *ab initio*; but the Party or Parties aggrieved by such unlawful Act or Irregularity shall or may recover full Satisfaction for the special Damage he, she, or they shall have sustained thereby, and no more, in an Action of Trespass or on the Case at the Election of the Plaintiff or Plaintiffs: Provided always, That where the Plaintiff or Plaintiffs shall recover in such Action, he, she, or they shall be paid his, her, or their full Costs of Suit, and have all the like Remedies for the same as in other Cases of Costs.

**742 \*XX.** Provided nevertheless, That no Tenant or Tenants, Lessee or Lessees, shall recover in any Action for any such unlawful Act or Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties distraining, his, her or their Agent or Agents, before such Action brought.

**XXI.** And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty eight, in all Actions of Trespass or upon the Case to be brought against any Person or Persons intituled to Rents or Services of any Kind, his, her, or their Bailiff or Receiver, or other Person or Persons, relating to any Entry by virtue of this Act, or otherwise, upon the Premises chargeable with such Rents or Services, or to any Distress or Seizure, Sale or Disposal of any Goods or Chattels thereupon; it shall and may be lawful to and for the Defendant or Defendants in such Actions to plead the General Issue, and give the special Matter in Evidence; any Law or Usage to the contrary notwithstanding: And in case the Plaintiff or Plaintiffs in such Action shall become nonsuit, discontinue his, her, or their Action, or have Judgment against him, her, or them, the Defendant or Defendants shall recover double Costs of Suit.

**XXII.** And whereas great Difficulties often arise in making Avowries or Conuzance upon Distresses for Rent, Quit-rents, Relief, Heriots, and other Services; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty