

300. The confession may be of part only of the alleged cause of action, in which case the plaintiff can only sign judgment for the part confessed, and must proceed in the action as to the residue.

301. A confession may be given at any time after the writ of summons is issued.

302. Any judgment signed on the confession of the defendant contrary to good faith may be set aside by the Court or a Judge on motion.

SATISFACTION OF JUDGMENTS.

303. As soon as any judgment has been satisfied by payment, levy, or in any other manner, the party against whom such judgment has been given is entitled to have satisfaction of the same entered up. For this purpose it is necessary to produce and file in the office of the Court an acknowledgment of satisfaction signed by the party obtaining judgment, or his solicitor, general agent, or attorney, or, if the plaintiff be deceased, by his personal representatives.

PART IV.—EXECUTION

CHAPTER I.

WRITS OF EXECUTION GENERALLY

304. Judgments may be enforced by any one or more of the following writs as hereinafter provided: viz., a writ of sale, a writ of possession, a writ of attachment.

305. When, by any judgment or order of the Court or a Judge thereof, any party is entitled to relief subject to or upon the fulfilment of any condition or contingency, the party so entitled shall satisfy the Court by affidavit, or by such other evidence as the Court or a Judge may require, that such condition has been performed or such contingency has happened, before he shall be entitled to issue any of the before-mentioned writs.

306. Any person applying for a writ of execution shall lodge with the proper officer a memorandum in the form No. in the Schedule hereto.

307. Every writ of execution shall be dated as of the day on which it was issued.

308. In every case of execution the party issuing the same shall be at liberty to levy from the person against whom it is issued the fees and expenses to which he may be entitled in respect of and incidental to the issue and execution of such writ.

309. A writ of execution (if unexecuted) shall remain in force for one year only from its issue, unless renewed in manner hereinafter provided.

310. A writ of execution may at any time before its expiration, by leave of the Court or a Judge, be renewed by the party issuing it for one year from the date of such renewal, and so on from time to time during the currency of the renewed writ.

311. A renewed writ shall be marked by the proper officer with the word "Renewed," and, on being so marked, shall have effect and be entitled to priority according to the original delivery thereof.

312. The production of a writ of execution purporting to be marked as renewed shall be sufficient evidence of its having been so renewed.

313. As between the original parties to a judgment, execution may issue at any time within six years from the recovery of judgment.

314. When six years have elapsed since the judgment, or any change has taken place by death or otherwise in the parties entitled or liable to execution, the party alleging himself to be entitled to execution may apply to the Court or a Judge thereof for leave to issue execution accordingly.

315. The Court or a Judge may, if satisfied that the party applying under the last rule is entitled to issue execution, make a rule or order to that effect, or may order that any issue or question necessary to determine the rights of the parties may be tried in any way in which an action may be tried. And in either case the Court or Judge may impose such terms as to costs or otherwise as shall seem just.

316. Every order of the Court or a Judge may be enforced in the same manner as a judgment to the same effect.

317. In cases other than those mentioned in Rule 313, any person, not being a party in an action, who obtains any order, or in whose favour any order is made, shall be entitled to enforce obedience to such order by the same process as if he were party to an action; and any person not being party to an action, against whom judgment or obedience to an order may be enforced, shall be liable to the same process for enforcing obedience to such judgment or order as if he were party to an action.

318. Where a judgment is against partners, in the name of the firm, execution may issue in manner following:—

- (1.) Against any property of the partners as such.
- (2.) Against any person who has admitted on the pleadings that he is or has been adjudged to be a partner.
- (3.) Against any person who has been served as a partner with the writ of summons and has failed to appear.

319. If the party who has obtained judgment claims to be entitled to issue execution against any person as a member of a firm, he may apply to a Court or a Judge for leave to do so, and the Court or a Judge may give such leave if the liability be not disputed, or, if such liability be disputed, may order that the liability of such person be tried and determined in any manner in which any question or issue may be tried or determined.

320. Any party against whom a judgment has been given may apply to the Court or a Judge for a stay of execution, or other relief against such judgment, upon the ground of facts which have happened or come to his knowledge since the trial of the action, and the Court or a Judge thereof may give such relief, and upon such terms as may appear just.