

200. In every affidavit the deponent's statement shall be in the first person throughout the affidavit.

201. Every affidavit shall be divided into paragraphs numbered consecutively, and each paragraph shall, as nearly as may be, be confined to a distinct portion of the subject.

202. Affidavits once filed may be made use of, even though the party who filed them should decline to use them.

203. No affidavit shall be read or used until it has been filed, and, when filed, shall not be taken off the file without leave of the Court or a Judge.

204. Any party to an action or proceeding before the Court requiring the affidavit of a third person, who refuses to make an affidavit, may apply by summons for an order to such person to appear and be examined on oath before a Judge or other officer of the Court, to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an affidavit.

205. Upon any application under the last rule, the Judge may make such order for the attendance of such person before the person therein appointed to take the examination, for the purpose of being examined as aforesaid, and for the production of any documents to be mentioned in such order, and may thereon impose such terms as to such examination, and the costs of the application and proceedings thereon, as he shall think just.

206. Any person disobeying such order shall be liable to attachment.

207 The foregoing rules shall apply to affirmations.

CONSOLIDATION OF ACTIONS.

208. When several actions are brought by the same plaintiff against several defendants upon the same instrument, *e.g.*, upon the same policy of insurance, the Court or a Judge may, upon the application of the defendants, grant a rule or order to stay the proceedings in all the actions but one (whichever the plaintiff shall elect) until such one be determined, the defendants undertaking to be bound by the verdict in such action, and that judgment be entered up against them accordingly, subject also to such other terms as the Court or a Judge may think proper.

209. The consolidation rule is for the benefit of the defendants, and binds them in case of a verdict being finally found for the plaintiff; but in case of a verdict being found for the defendant, the plaintiff is not restrained from proceeding in the other actions included in the rule.

210. When several defendants have entered into the common consolidation rule, the plaintiff, upon obtaining a verdict and judgment in the first cause, cannot sue out execution at once against the other defendants, but must first obtain a Judge's order for leave to sign judgment in the several other actions which were consolidated, to sue out execution thereon.

PART III.—DISPOSAL OF ACTIONS.

CHAPTER I.

BY PAYMENT INTO COURT.

211. If the relief claimed in any action be payment of a sum of money, the defendant may, before trial of the action, pay into Court a sum of money by way of satisfaction or amends.

212. Notice of such payment shall be served upon the plaintiff.

213. Any money paid into Court as aforesaid may be paid out to the plaintiff, or his solicitor, or duly authorized agent.

214. The plaintiff shall, within _____ days after receipt of notice of such payment, serve upon the defendant a notice stating whether he accepts the sum paid into Court.

215. If the relief claimed in any action be possession of land, the defendant may, at any time before trial, deliver, or offer to deliver, possession of the land claimed, or any part thereof.

216. If the relief claimed in any action be possession of chattels, the defendant may, before trial, deliver, or offer to deliver, possession of the chattels claimed, or any of them.

217. If the relief claimed in any action be not payment of a sum of money, or delivery of land or chattels, the defendant may, at any time before the trial, file in Court a memorandum, in the Form No. _____ in the Schedule, stating that he admits that the plaintiff is entitled to the relief claimed, or to some other relief, which must be distinctly stated in such memorandum, and the plaintiff may sign judgment for the relief claimed by him, or offered by the defendant, as the case may be.

218. If the defendant pay into Court the full amount claimed, or deliver all the lands, or all the chattels claimed, or admit the plaintiff's right to the relief claimed, or if the plaintiff accepts as satisfaction the sum paid into Court, or the land or goods delivered or offered to be delivered, or the relief offered by the defendant, the plaintiff shall be entitled to the costs of the action up to the date of such payment or delivery, or of filing such memorandum, as the case may be, and may sign judgment for such costs, and for any land, or chattels, or relief not delivered or given in pursuance of such offer.

219. If the plaintiff do not accept as satisfaction any payment, offer of delivery, or offer of relief under the foregoing rules, and shall fail at the trial to recover a greater sum of money than the sum paid into Court, or to recover other land or chattels than those delivered or offered to be delivered, or if the Judge presiding at the trial shall be of opinion that the relief offered was adequate relief, though not the precise relief the plaintiff may be awarded by the judgment of the Court, the Judge trying the action may allow the defendant his costs of the action subsequently to such payment, delivery, or offer, as the case may be.

220. The defendant may proceed separately under the foregoing rules of this chapter, in respect of each or any cause of action, and file a statement of defence to any cause of action in respect of which he does not so proceed.