

BY NONSUIT.

168. The plaintiff in any action may, at any time before a verdict or judgment has been given, elect to be nonsuited. After a nonsuit, the plaintiff shall not be debarred from proceeding again to trial on the same statement of the same claim, all the costs of the first trial having been first paid, and a Judge, on application of the plaintiff, may fix a time and place for such trial.

CHAPTER II.

JUDGMENT.

169. After hearing the plaintiff and defendant, the Judge before whom the trial takes place shall give judgment, either at once or after taking such time for consideration as may be necessary. And in any judgment may prescribe such terms and conditions as to the time and mode of satisfying such judgment as he shall deem just.

170. If either party at any stage of the action obtain judgment by default, confession, or otherwise, on any cause of action, or for any limited relief, he shall be entitled to have such judgment entered and to issue execution thereon at once, without waiting to obtain judgment on any other cause of action, or as to any other relief claimed by him, unless the Court otherwise order.

171. If it shall at any time appear to the satisfaction of the Court, by the oath of any person or otherwise, that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Court in its discretion to suspend any judgment, order, or execution given, made, or issued in such action, for such time and on such terms as the Court shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased.

172. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order, and execution or successive executions may then be issued for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall think fit.

173. If a counter claim be proved to any cause of action to an amount less than that recovered on the same cause of action, the plaintiff shall have judgment on that cause of action for the balance of his claim, after deducting the amount of the counter claim proved by the defendant.

174. If a counter claim be proved to any cause of action to an amount exceeding that recovered on the same cause of action, the defendant shall have judgment for such excess.

175. Where there are cross-judgments for money between the same parties, whether for debt, or damages and costs, or for costs alone, the one may be set off against the other by leave of the Court or a Judge. But no such set-off of one judgment against another shall be allowed to the prejudice of the solicitor's lien for costs due to him in the particular action against which the set-off is sought.

176. But in one action against several defendants, if the plaintiff succeed as against some and fail as against the others, the defendants who fail may set off the costs of the defendants who succeed.

177. The judgment may award interest to the date of giving judgment to a successful party at the rate (if any) agreed on, or, if no rate has been agreed on, then at such rate as the Judge may think proper.

178. Every judgment debt shall carry interest at the rate of eight pounds per centum per annum from the time of judgment being given until the same shall be satisfied, and such interest may be levied under any writ of execution upon such judgment.

179. In actions for money the judgment may be indorsed on the plaint, and signed by the Judge presiding at the trial, and execution may issue on a judgment so indorsed. But every judgment shall thereafter be entered in a book, to be provided for that purpose, and signed by the Judge presiding at the trial.

JUDGMENT BY CONFESSION.

180. Judgment may be signed in any action upon a written confession of the action given by the defendant to the plaintiff, with or without condition annexed as to the time for satisfying the plaintiff's claim: Provided that no condition shall be binding upon the plaintiff without the plaintiff's consent in writing.

181. The confession may be of part only of the alleged cause of action, in which case the plaintiff can only have judgment entered for the part confessed, and may proceed in the action as to the residue, or abandon any further claim in the action.

182. A confession may be given at any time after the summons is issued. But notice thereof must forthwith be served upon the other party or his solicitor, and all costs incurred to the time of serving such notice shall be paid by the party confessing.

183. 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.

184. Any such confession may be signed in the presence of the Judge, or the Clerk of the Court, or a Justice of the Peace, or any solicitor of the Supreme Court, and may be in the form in the Schedule hereto, No. .

185. Unless the Court shall otherwise order, all moneys to be paid in pursuance of any judgment or order shall be paid to the Clerk of the Court; and such Clerk, on days to be appointed by the Judge for that purpose, shall pay over such money to the person entitled or to any person by him authorized in writing to receive the same, and shall keep a true and exact account of all moneys received by him, of whom and when received, and to whom and when paid.

186. Every bailiff, gaoler, or other person levying or receiving money by virtue of any process issuing out of any Court, shall forthwith pay over the same to the Clerk of the Court.