

tion after issue joined, by consent and by order of any of the Judges of the said Supreme Court to state the facts of the case in the form of a special case for the opinion of the Court, and to agree that a Judgment shall be entered for the Plaintiff or Defendant by confession or of *nolle prosequi*, immediately after the decision of the case, or otherwise, as the Court may think fit, and judgment shall be entered accordingly.

Parties may make a special case for the decision of the court.

XI. *And be it enacted*, That upon all debts or sums certain, payable at a certain time or otherwise, the Court where there is no Jury, and the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, allow interest to the Creditor, at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written Instrument at a certain time, or if payable otherwise then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand until the time of payment: *Provided* that interest shall be payable in all cases in which it is now payable by law.

Interest may be allowed in certain cases by the Jury.

XII. *And be it enacted*, That the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure in all actions of Trover or Trespass *de bonis asportatis*, and over and above the money recoverable in all actions on Policies of Assurance.

Jury may give damages in the nature of Interest in Actions of Trover or Trespasses.

XIII. *And be it enacted*, That where several persons shall be made defendants in any personal action, and any one or more of them shall have a *nolle prosequi* entered as to him or them, or upon the trial of such action, shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless in the case of a trial, the Judge before whom such cause shall be tried, shall certify under his hand that there was a reasonable cause for making such person a defendant in such action.

Defendant on entry of Nolle Prosequi recover Costs.

XIV. *And be it enacted*, That where any *nolle prosequi* shall have been entered upon any count, or as to part of any Declaration, the Defendant shall be entitled to, and have judgment for, and recover his reasonable costs in that behalf.

Defendant on Entry of Nolle Prosequi on any count recovers costs thereon.

XV. *And be it enacted*, That the Seventh section of the Act passed in the Thirty-second year of the Reign of His late Majesty George the Second, entitled An Act for Limitation of actions, and for avoiding Suits at Law; and also the Act passed in the Sixth year of Her present Majesty's Reign, entitled, An Act relative to the Recovery of Debts due on Policies of Assurance, shall be, and the same are hereby repealed: *Provided* that nothing in this clause contained, shall extend, or be construed to extend to any action or suit now pending in the said Supreme Court.

Seventh Section, Act 32 Geo. 2, Act 6 Victoria repealed.

XVI. *And be it enacted*, That if the Plaintiff in any action of Trespass or Trespass on the case, other than Assumpsit, that may be hereafter brought in the said Supreme Court, shall recover by the verdict of a Jury, less damages than Forty Shillings, such Plaintiff shall not be entitled to recover or obtain from the Defendant in respect of such verdict any costs whatever, whether it shall be given upon any issue or issues tried, or judgment shall have passed by default, unless the Judge before whom such verdict shall be obtained upon any issue or issues tried, shall immediately afterwards certify on the back of the Record, that the action was really brought to try a right, besides the mere right to recover damages for the Trespass or Grievance, for which the Action shall have been brought, or that the Trespass or Grievance in respect of which the action was brought, was wilful and malicious.

On recovery of less than 40s. damages Plaintiff to recover no costs unless Judge certify.

XVII. *Provided always, and be it enacted*, That nothing herein contained shall extend to, or be construed to extend, to deprive any Plaintiffs of costs in any action or actions brought for a Trespass or Trespasses over any lands, commons, wastes, closes, woods, plantations or enclosures, or for entering into any dwellings, out-buildings or premises,

Not to extend to Trespass after Notice given.