

filed agreeable to the rules of practice, and whereon the demand or defence may be founded and referred to in the pleadings, shall be filed in the cause, or make part of the record.

*Of Verdict.* } That in every case, so soon as the Jury may be sworn, the parties, plaintiff and defendant shall be called, and it neither shall appear, the Jury shall forthwith be discharged. But if the plaintiff shall appear, and the defendant shall not appear, his default shall be recorded, and the evidence of the plaintiff shall be heard *ex parte* and the verdict of the Jury taken thereon and judgment entered, as to law and justice may pertain.

*Of Non Suit.* } 1. And if the defendant being so called shall appear, and the plaintiff being called shall not appear, the default of the plaintiff shall be recorded and judgment of non suit thereupon *instante* entered, dismissing the plaintiff's action, *sauf à se pourvoir*, with costs to the defendant.

2. That in every case in which a Jury shall be sworn, and the plaintiff shall chuse, at any time before the verdict of such Jury shall be given, to become non suit, and for that purpose shall withdraw from the Court, the plaintiff shall be called, and if not appearing, the default shall be recorded, and judgment of non suit thereupon entered *instante*, dismissing such plaintiff's action, *sauf à se pourvoir*, with costs to the defendant.