

Proceeding by Defendant if the confession be refused.

V. And be it enacted, That whenever any Plaintiff, by his Attorney, shall refuse to take a confession of Judgment for such sum as shall by any Defendant or his Attorney be tendered, as hereinafore provided, then it shall and may be lawful for such Defendant to make such confession of Judgment before any other practising Attorney legally qualified to act in the Court in which such action is brought, for such amount as such Defendant shall think proper, and to cause notice thereof, in writing, to be served on the Plaintiff's Attorney in the action. 5 10

No costs to Plaintiff after confession tendered unless he recover more than the amount confessed.

VI. And be it enacted, That in all cases where the Plaintiff's Attorney shall refuse to accept the confession of Judgment so tendered, it shall be his duty to notify the Defendant's Attorney, in writing, within days after the service of such notice as aforesaid ; provided always, that when after the trial of the cause, the amount for which judgment shall be obtained by the Plaintiff shall not exceed the sum for which the confession shall have been given or tendered, then, no costs accruing after such confession shall have been tendered as aforesaid shall be chargeable on or against such Defendant, and the Defendant shall recover the costs by him incurred after the tender of such confession, and may set off the same against the amount of the Judgment. 15 20

Receipt in full to be a discharge as well for the costs as of the debt.

VII. And be it enacted, That whenever, upon the hearing or trial of any action or suit at law in any Court after the passing of this Act, brought for the recovery of any debt due or alleged to be due by or from any person to any person whatsoever, any Defendant shall produce, and prove to the satisfaction of the Court, the receipt in full from the Plaintiff in such suit, dated on any day previous to the day upon which such action or suit shall be heard or tried, such receipt so proven shall be to all intents and purposes a discharge, and the Defendant producing the same shall not be liable to any costs that have arisen or may arise out of such action or suit, whether he may or may not have pleaded such receipt previously to the day on which such action or suit is tried, any law or practice of any Court to the contrary notwithstanding. 25 30 35

Practice to be regulated by this Act.

VIII. And be it enacted, That this Act shall regulate the practice in all cases where any confession shall be so tendered or made as aforesaid; and all Judges and Courts where such actions are brought or heard shall be guided thereby, anything in the laws of this Province or the practice of the Courts therein to the contrary notwithstanding. 40

Extent of Act.

IX. And be it enacted, That this Act shall apply only to Upper Canada.