

the Court upon the back of the Declaration and Plea or otherwise the various facts therein alleged, and upon which the parties do not differ.

Superfluous words forbidden:—saving usual course of pleading.

VII. The use of all superfluous words shall be avoided in every pleading, which shall be as short as may be consistent with a true and perspicuous statement of the cause of action and defence, preserving however the usual course of pleading. 5

Creditor for a sum certain, may compel debtor to appear before a Judge, by notice in a certain form.

VIII. Any creditor may serve upon any person indebted to him in a sum certain or capable of being ascertained by computation, a notice in the form or to the effect of that set forth in the schedule to this Act, marked A, to which shall be annexed a copy of the account, promissory note, bill of exchange, bond, covenant, or other evidence of debt so claimed, notifying such person that he will apply to a Judge of some Court, having jurisdiction in the premises for judgment, for the amount claimed, giving not less than *twenty* days notice of the day, hour and place of application. 10 15

Judge may give judgment for the sum proved or admitted: Or order any disputed fact to be ascertained by a Jury.

IX. Upon appearance of the parties and admission or proof of the amount due, either voluntarily or upon oath of the parties, Plaintiff and Defendant, or upon the oath of witnesses by consent of the parties, either of the whole amount claimed or any part thereof, the Judge may give judgment therefor, as in schedule A, or may direct any fact *bona fide* in dispute to be determined by a jury, at some coming Court where jury trials are had, the issue being directed as in the schedule hereto, marked C, or in such form as the Judge shall direct. 20 25

Judge may adjourn hearing, and may allow 20s. costs

X. The judge may adjourn the hearing if he shall see cause, and in his discretion may allow not more than *twenty* shillings costs to the successful party, to be included in the judgment. 30

Judge may grant stay of execution on terms.

XI. With a view to discourage trials for the purpose of gaining time, it shall be the duty of the Judge to grant such stay of execution; as, upon hearing the parties, he shall deem reasonable, and either on terms giving such security as the party may be enabled to offer to pay the debt, either in part or in whole, at one time or by instalments, as to the Judge shall seem just; and if landed security be offered, the judgment being registered, shall constitute a lien thereon until the debt be paid, but upon no other real property. 35 40

Lien on realty offered as security.

Judgment may be confessed for £100 before Judge of Division Court.

XII. Judgment may be confessed before any Judge of any Division Court to the amount of *one hundred pounds*, for any debt or other claim or demand which the Judge shall be satisfied on hearing the parties is a *bona fide* demand, with stay of execution, as in the last section. 45