

allowable, to direct interest to be carried down to the time of the actual payment, or the bringing of the money into court. (u)

It has been declared by an act of assembly, that, in all actions brought for the penalty of any bond or contract, the jury may, under the direction of the court, upon the plea of payment or performance, find what sum of money is really due to the plaintiff; upon which judgment shall be entered for the penalty to be released upon the payment of the sum so found due, and interest on the same until paid and costs. (w) So that, under this act, the plaintiff may, as in an action of debt upon a judgment, recover further interest, except on the costs, upon the aggregate amount of his judgment, and have his execution thereon levied accordingly. As for example, if the debt really due was \$100, with \$30 interest, the jury would be directed to find a verdict for \$130, upon which judgment would be entered with interest on the same from the day of signing the judgment until paid. (x) It had also become usual, in the courts of common law, in actions of debt, assumpsit, &c. where the defendant *confessed* judgment, to enter it for the amount claimed in the declaration, with a memorandum at the foot of the judgment, that it should be released on the payment of the whole sum then due, with interest thereon from that day until paid, and costs of suit. (y) After which it was enacted, that all judgments by default, and in all cases where a verdict should be given, the judgment thereon should carry interest in the *same manner* as in cases of a *confession* of judgment. (z)

Equity, in this respect, follows the law; or, rather has always pursued a similar course, and allows interest in all cases where, under like circumstances, it might be recovered at law. (a) And therefore, as a judgment here, as in England, always had the effect of converting the interest then due into principal, so that, in an action of debt, interest might be recovered upon the whole amount; and as such subsequent interest may now be levied here under a *feri facias*. (b) So upon the whole amount awarded by an

(u) *Creuze v. Hunter*, 2 Ves. jun, 165; *Millar v. Baker*, 1 Bland, 148, note; *Long v. Gorsuch*, 1 Bland, 361, note; *Parker v. Mackall*, ante 62; *Woodward v. Chapman*, ante 68; *Sloss v. McIlvane*, ante 72; *Craig v. Baker*, ante 233.—(w) 1785, ch. 80, s. 13.—(x) 2 Harris' Ent. 192.—(y) 2 Harris' Ent. 87, 97.—(z) 1809, ch. 153, s. 4; 1811, ch. 161, s. 5; *Hawkins v. Jackson*, 6 H. & J. 151.—(a) *Parker v. Hutchinson*, 3 Ves. 133; *Upton v. Ferrers*, 5 Ves. 803; *Dornford v. Dornford*, 12 Ves. 129; *Lowndes v. Collens*, 17 Ves. 28.—(b) *Gwinn v. Whitaker*, 1 H. & J. 754.