

defendant so summoned and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person.

P. L. L., 1888, Art. 22, sec. 63. 1886, ch. 264.

100. In all cases when a party is returned summoned to a return day or to a term, the same proceedings shall be had as are now had in said court, subject to such rules as the said court may prescribe as to pleading and practice, and the cases shall be entered in their order on the trial docket for the succeeding term.

P. L. L., 1888, Art. 22, sec. 64. 1886, ch. 264.

101. Every suit in which any defendant shall be returned summoned, except suit on contract, as hereinafter provided, shall stand for trial or judgment at the term next succeeding the rule day or term to which said defendant was returned summoned, subject to such rules as the court may prescribe as aforesaid.

P. L. L., 1888, Art. 22, sec. 65. 1886, ch. 264.

102. In any suit where the cause of action is a contract, whether in writing or not, or whether expressed or implied, the plaintiff, if affidavit or affirmation be made as hereinafter stated, shall be entitled to judgment, to be entered by the court or the clerk thereof, on the rule day or the first day of the term next succeeding the rule day, or the term to which the defendant shall have been returned summoned, although the defendant may have pleaded, unless such plea contains a good defense, and unless the defendant, or some one in his behalf shall, under oath or affirmation, state that every plea so pleaded by the defendant is true; and shall further state what amount of the plaintiff's demand, if anything, is admitted to be due or owing, and what amount is disputed; and if the copartnership or incorporation of any of the parties to the suit shall be alleged in the declaration, and the affidavit filed therewith and hereinafter provided; or if there shall be filed with the declaration in said cause any paper purporting to be signed by any defendant therein, the fact of such alleged copartnership or incorporation, and the genuineness of such signature, shall be deemed to be admitted for the purposes of said cause, unless the said affidavit shall further state that the affiant knows, or has good reason to believe, such allegation of copartnership or incorporation to be untrue, or that such signature was not written by or by the authority of the person whose signature it purports to be; in case any part of the debt or damages claimed be admitted to be due, the plaintiff shall be entitled to an entry of judgment therefor as aforesaid, with costs, in full discharge to the action; provided, the amount so admitted to be due shall not be below the jurisdiction of the court, or the defendant may pay such admitted part into the court, and thereupon such proceedings shall be had as are provided by law in other cases of payment of money into court; provided, that the court for good cause shown may, by its order in writing, passed at any time before judgment, extend the time for filing such pleas and affidavits, which extension shall suspend, until the expiration thereof, the plaintiff's