

## ARTICLE LXXV.

*Pleadings, Practice and Process.*

Chapter 130 repeals 1861, chapter 97, (I. Supplement, 62).

In force from March 7, 1864.

## PRACTICE.

Chapter 175 amends and re-enacts section 62, as follows :

SEC. 1. In all cases in any action on any promissory note, bill, bond, or open account in which an interlocutory judgment or judgment by default has been, or shall hereafter be entered in any of the courts of this State, whereby the right of the plaintiff is established, but the damages sustained by him are not ascertained, the judge of the court where such judgment is, shall, on motion of the plaintiff, or of his attorney, and the production to him of the promissory note, bill of exchange, bond, or writing obligatory upon which the suit was brought; or upon legal and satisfactory proof of the correctness and amount of the claim where the suit was brought, to recover a debt due upon open account, assess the damages and order the judgment to be extended for the amount so found to be due, and interest on the same till paid, and costs of suit. In all other cases in which an interlocutory judgment, or judgment by default has been, or shall hereafter be entered, the judge of the court where such judgment is, shall on motion of the plaintiff, or his attorney, make an order in the nature of a writ of inquiry, to charge the jury in attendance in such court, to inquire of the damages and costs sustained by the plaintiff in such action, which said inquiry shall be made and the evidence given in open court, in the same manner, and under the same regulations, as in other jury trials; and after the said jury charged as aforesaid, shall have considered thereof, they shall forthwith, return their inquisition, under their hands and seals, and the court shall order such judgment to be extended, in accordance with the terms of such finding of the jury.

In force from February 23, 1864.