

164. After the execution of any original writ made returnable to a return day in either of the said courts, the same proceedings may be had in the prosecution of the said writ as would be proper in case the said writ had been made returnable, and had been returned to a term of the court from which the same was issued.

Ibid s. 4.
Same proceedings when returned at return day as at term.

165. If a defendant regularly returned summoned to appear at a stated term or a return day of the court from which the original writ was issued, shall fail to appear on the day to which the said writ was returnable, judgment for his default may, on motion of the plaintiff made in writing, and filed with the clerk of the court from which said original writ was issued, be entered by the said court or by the said clerk against the said defendant; which said judgment shall be stricken out on his appearance being entered to the action at any time before the first return day thereafter; and if the said defendant shall fail to appear within the time above limited, the party plaintiff may sue out his writ of inquiry, or otherwise enter up final judgment, according to the course of the court.

Ibid s. 5.
Judgment by default, when to be given.

When to be struck out.

Writ of inquiry.

166. Every suit where the cause of action is a contract, whether in writing or not, or whether express or implied, shall stand for trial or judgment on the first day of the term, or at the return day next succeeding the entry of the appearance of the defendant, whichever shall first happen, unless the time shall be extended by the court on cause shown.

Ibid s. 6.
Trial term, when.

167. In any action brought for any of the causes mentioned in the last preceding section, the plaintiff, if he make affidavit or affirmation as hereinafter stated, shall be entitled to judgment on the first day of the term of the court in which said action is pending, or at the return day next succeeding the appearance of the defendant, whichever shall first happen or occur, although the defendant may have pleaded, unless such plea contains a good defence, and unless the defendant, or some one in his behalf, shall make

Ibid s. 7.
Plaintiff, how and when entitled to judgment.