

terms prescribed by the rules of the court, or judgment by default may be entered against him as provided by said rules.

1886, ch. 184.

165. Every suit in which any defendant shall be returned summoned, shall stand for trial or judgment (as against such defendant) at the return day next succeeding the day to which he has been summoned; provided, the declaration shall have been filed in court, and a copy thereof shall have been served on the defendant, or his attorney, at least fifteen days before said return day; and all such suits in which final judgment is not entered on that day, shall then be put at the end of the trial calendar of the court in which they are brought, in the order in which they were instituted in said court, and shall be finally disposed of as far as possible when reached in their regular course.

Ibid.

166. In all cases in which a party by law would be entitled to a continuance, the court may, instead of continuing the cause to the next term, postpone the same for thirty days, or such other period as will best subserve the interests of justice.

Ibid.

167. In any suit, when 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 motion in writing at any time after fifteen days from the return day to which the defendant shall have been summoned, although the defendant may have pleaded, unless such plea contains a good defence, 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 the amount of plaintiff's demand, if anything, admitted to be due or owing, and the amount disputed; and further, that the affiant verily believes the defendant will be able at the trial of the cause to produce sufficient evidence to support the plea as to the portion disputed, and that he is advised by counsel to file the said plea; and such plea shall be accompanied by a certificate of