

dant, 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.

Proviso.

169. 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.

Postponement.

170. 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 the 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 said 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 counsel that he so advised the party making such oath or affirmation; and if the copartnership or incorporation of any of the parties to the suit shall be alleged in the declaration and the affidavit to be plead therewith, or hereinafter provided,

Entitled to a judgment. 3

Under Oath.