

SEC. 40C. If a defendant be returned summoned, and shall fail to appear, the clerk of said court shall, on the day following the return day to which the writ or process served on him is returnable, enter the appearance of any defendant so summoned, and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person. Duty of clerk.

SEC. 40D. 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. Proceedings—how made.

SEC. 40E. 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 next term succeeding the return day or term to which said defendant was returned summoned, as now provided by law, subject to such rules as the court may prescribe as aforesaid. When to stand for trial.

SEC. 40F. In 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 clerk thereof on the return day or the first day of the term next succeeding the return 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 defence, and unless the defendant, or some one in his behalf, shall, under oath or affirmation, state that every plea is pleaded by the defendant is true, and shall further state what amount of the plaintiff's demand, if any, is admitted to be due or owing, and what amount is disputed; and if the copartnerships or incorporation of any of the parties to the suit shall be alleged in the declaration, and the affidavit or affirmation filed therewith as hereinafter provided, or if there shall be filed with the declaration in said causes, or at time of bringing the suit, any paper purporting to be signed by any defendant therein, the fact of Who entitled to judgment.
What to state.