

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 upon final judgment, according to the course of the court.

Shall stand
for trial.

Sec. 6. 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.

Plaintiff entitled to judgment.

Sec. 7. 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 oath or affirmation that the said plea is true, and that he verily believes that he will be able, at the trial of the cause, to produce sufficient evidence to support the said plea.

Plaintiff not entitled to judgment.

Sec. 8. The plaintiff shall not be entitled to judgment under either of the three preceding sections, unless at the time of bringing his action he shall file with his declaration an affidavit, or affirmation, if he is conscientiously scrupulous as to taking an oath, stating the true amount that the defendant is indebted to him, over and above all discounts, and shall also file the bond, bill of exchange, promissory note, or other writing or account by which the defendant is so indebted; and the said affidavit, or affirmation, may be made before any of the persons who may take an affidavit, or affirmation, to authorize the issuing of a foreign