

his election have his original writ made returnable to the next succeeding term or rule day.

SEC. 4. *And be it enacted*, That on the return of any writ original not executed, the same may be renewed returnable to the next term or next rule day happening thereafter.

Writ may be renewed.

SEC. 5. *And be it enacted*, That after the execution and return of any original writ made returnable to a rule day, the same proceedings may be had in prosecution of the said writ as would be proper in case the said writ had been made returnable and had been returned to a stated term of the court.

Writs made returnable.

SEC. 6. *And be it enacted*, That if a defendant regularly returned summoned to appear at any stated term or rule day of the court shall fail to appear on the day to which the said writ was returnable, judgment for his default may, on motion of the plaintiff, be entered against him, which said judgment shall be stricken out on his appearance being entered to the action at any time before the first day of the term or rule day next 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.

Proceeding in case of failure of defendant to appear.

SEC. 7. *And be it enacted*, That every suit instituted for recovery of money due on any contract endorsed by writing under the hand of the defendant for the payment of money, or for goods or other articles sold and delivered, or for money had and received by the defendant for the use of the plaintiff, or lent by the plaintiff to the defendant, or paid by the plaintiff to the use of the defendant, wherein the sum to be recovered is ascertained by the contract, or the measure of damages is fixed by law, shall stand for judgment on the first day of the stated term or rule day of the court next succeeding the entry of the appearance of the defendant, unless the time shall be enlarged by a special rule entered in said cause.

Suit instituted shall stand for judgment.

SEC. 8. *And be it enacted*, That in any action brought for any of the causes mentioned in the last preceding section, the plaintiff shall be entitled to call for judgments aforesaid, notwithstanding any plea pleaded by the defendant, unless

Plaintiff entitled to judgment.