

Proceedings
after default.

Plaintiff not
appearing.

Plaintiff estab-
lishing his
demand.

Pleadings in
non-appealable
cases.

Articulation de
faits in such
cases.

and in any such case it shall not be necessary that the defendant be called on the 2
third day, or at any other time thereafter, nor shall he be entitled to appear at any 4
other time, and have the said default taken off, unless express permission be given to 6
him by the Court, any law, usage or custom to the contrary notwithstanding; and after 8
the default shall have been so recorded, it shall be lawful for the Court, after due 10
proof of the service of the Writ of Summons, in a summary manner, to receive 12
evidence and hear the Plaintiff in support of his *demande* in such suit or action, and 14
thereupon to make and render such judgment as law and justice may require; and 16
if the said defendant should appear on the said day, either personally or by his Attorney 18
and the Plaintiff should not appear either personally or by his Attorney, or 20
appearing should not prosecute his suit or action, the same shall be dismissed, with 22
costs to the defendant against the Plaintiff; and if the Plaintiff in any such suit or action 24
should establish his demand, he shall be entitled to recover the sum of money or 26
thing by him demanded, and costs against the defendant. 28

LIX. And be it enacted, That in non-appealable cases, the pleadings after the 30
declaration shall be oral or in writing, at the option of the defendant, unless the 32
Court shall expressly order the same to be in writing; and if the defendant choose to 34
plead in writing, he shall file his plea upon appearing, unless further delay be 36
granted to him by the Court, but if he be ordered to plead in writing he shall have 38
such delay as the Court shall allow him by such order, and in either case no answer in 40
writing by the Plaintiff shall be necessary, unless expressly ordered by the Court; and 42
if the defendant do not plead in writing, he shall, on appearing, be called upon by 44
the Court to state orally or in writing what facts (if any) alleged in the Plaintiff's declaration he is willing to admit, and his admis-