

And with respect to the appearance of the Defendant and the proceedings of the Plaintiff in default of appearance ; Be it enacted :—

LIX. That from the time when this Act shall commence and take effect, no appearance need be entered by the Plaintiff 5
 Plaintiff need not enter appearance for Defendant.

LX. In case of non-appearance by the Defendant where the Writ of Summons is endorsed in the special form hereinbefore provided, it shall be lawful for the Plaintiff on filing an affidavit of personal service of the Writ of Summons, or a rule 10
 of Court, or a Judge's order for leave to proceed under the provisions of this Act, and the Writ of Summons, at once to sign final Judgment in the form contained in the Schedule A, to this Act annexed, marked No. 7, *bis*, (on which Judgment no proceeding in error or appeal shall lie) for any sum not exceed- 15
 ing the sum indorsed on the Writ, together with interest to the date of the Judgment and costs to be taxed in the ordinary way : and the Plaintiff may upon such Judgment, issue execution at the expiration of eight days from the last day for appearance, and not before ; Provided always, that it shall be 20
 lawful for the Court or a Judge, either before or after final Judgment, to let in the Defendant to defend, upon an application supported by satisfactory affidavits accounting for the non-appearance and disclosing a defence upon the merits.

LXI. In case of such non-appearance where the Writ of 25
 Summons is not indorsed in the special form hereinbefore provided, it shall be lawful for the Plaintiff, on filing an affidavit of personal service of the Writ of Summons or a Judge's Order for leave to proceed under the provisions of this Act, and the Writ of Summons, to file a declaration indorsed 30
 with a notice to plead in eight days, and to sign Judgment by default at the expiration of the time to plead so endorsed as aforesaid, and in the event of no plea being filed and served where the cause of action mentioned in the declaration is for any of the claims which might have been inserted in the 35
 special indorsement on the Writ of Summons, the Judgment shall be final, and execution may issue for an amount not exceeding the amount indorsed on the Writ of Summons with interest and costs ; Provided always, that in such case the plaintiff shall not be entitled to more costs than if he had made 40
 such special indorsement and signed Judgment upon non-appearance.

LXII. The Defendant may appear at any time before Judgment, and if he appear after the time specified either in the Writ of Summons or in the warning indorsed in any Writ 45
 of Capias served on him, or in any rule or order to proceed as if personal service had been effected, he shall, after notice of such appearance to the Plaintiff or his Attorney, as the case