

of such partnership, incorporation or representative character as the case may be, or that such signature was written by or by the authority of the person whose signature it purports to be, shall be denied in writing under oath by the opposite party before any hearing of such case or proceeding shall be had; provided, however, that in case of a corporation, the affidavit to such denial may be made by the president, vice-president, secretary or treasurer thereof, and in case of a partnership by any one of the partners. And whenever such denial under oath is so made, the justice of the peace before whom the case or proceeding is pending shall, at the request of the party against whom such denial is made, postpone or continue the same to such reasonable time as will enable such party to procure the desired proof.*

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.

Judgments.

1904, art. 52, sec. 35. 1888, art. 52, sec. 33. 1860, art. 51, sec. 29. 1843, ch. 362, sec. 3. 1910, ch. 261 (p. 164). 1912, ch. 852.

37. Any justice of the peace of this State may enter a judgment by confession for the plaintiff or plaintiffs for any amount within his jurisdiction, as is now or may hereafter be prescribed by law, either upon the voluntary appearance and consent of the defendant or defendants, if more than one, before such justice of the peace, or upon the written authority signed by the defendant or defendants and attested by at least one witness, authorizing the entry of a judgment by confession, and such authority may be contained either in the note or other cause of action, or in a separate writing, provided that no judgment as aforesaid shall be entered unless the plaintiff, his, her or its duly authorized attorney or agent shall first make affidavit as to the correct amount due thereon; provided, that nothing in this section shall in any manner effect any note or agreement for judgment dated or entered into prior to July 1, 1912.

40.

This section referred to in construing article 93, section 115—see notes thereto. *Newcomer v. Beehler*, 116 Md. 651.

Attachments.

43.

See article 9, section 32.

Ibid. sec. 43. 1888, art. 52, sec. 41. 1860, art. 51, sec. 41. 1849, ch. 269, sec. 1. 1914, ch. 337.

45. There shall be issued with every attachment a writ of summons against the defendant and at the time of issuing the attachment, notice thereof shall be given by setting up at three or more public places in the election district or ward in which such attachment may issue, at least ten days before the return day thereof, an affidavit of the truth

*The act of 1912, chapter 383, went into effect June 1, 1912.