

1864, ch. 6, sec. 9. 1886, ch. 184. P. L. L. (1888), Art. 4, sec. 169. 1894, ch. 184.

314. When any judgment by default shall be entered under any of the preceding sections, the court may assess the damages on proof thereof without empanelling a jury to do so, unless the defendant shall have filed a motion in writing before the entry of such default for a jury trial, and shall have stated in such motion how much of the plaintiff's demand is disputed, and how much thereof, if any, is admitted by such defendant to be due, and in such case the plaintiff may forthwith have judgment entered up for the amount so admitted, as provided in the preceding section.

Mailhouse v. Inloes, 18 Md. 332, 333. *Knickerbocker Ice Co. v. Hoeske*, 32 Md. 317. *Norris v. Wrenschall*, 34 Md. 492. *Laubheimer v. Nail*, 88 Md. 174. *Singer v. Fidelity & Deposit Co.*, 96 Md. 224. *Colbourn v. Boulton*, 100 Md. 358. *Cornblatt v. Block*, 132 Md. 44. *Lipscomb v. Zink*, 151 Md. 431.

Judgment by Default. Joint liability after judgment by default. *In assumpsit* against two or more persons sued jointly, the defendants on inquisition, after judgment by default, cannot deny their joint liability. *Santa Clara Mining Co. v. Williams*, Daily Record, March 8, 1894.

1890, ch. 433. P. L. L. (1888), Art. 4, sec. 169A.

315. If the defendant shall dispute the whole or any part of the plaintiff's demand in any action brought under the provisions of the three foregoing sections, and upon trial of the case the plaintiff shall recover a judgment for any portion of his demand so disputed, then the plaintiff shall be allowed in addition to the costs of the suit, reasonable counsel fees, to be fixed by the court, said fees not to be less than twenty-five dollars nor more than one hundred dollars.

As to provisions of section 315 relating to counsel fees, see *Singer v. Fidelity and Deposit Co.*, 96 Md. 224. *Lipscomb v. Zink*, 151 Md. 431. *Lansburg v. Fish & Oyster Co.*, 153 Md. 319.

1908, ch. 644.

315A. In all cases brought under the provisions of Section 312 of said Article 4 of the Code of Public Local Laws of Maryland, as repealed and re-enacted by the Act of Assembly of 1898, chapter 123, where the verdict of the jury or the court, sitting as a jury shall be for the defendant, the defendant shall be allowed, in addition to his costs of suit, reasonable counsel fees, not to be less than twenty-five dollars, nor more than one hundred dollars.

Com. Credit Co. v. Schuck, 151 Md. 367. *Lipscomb v. Zink*, 151 Md. 431.

1914, ch. 107.

315B. If judgment be entered against any defendant for failure to appear and plead, or failure to file a sufficient plea, affidavit or certificate of counsel, under the four preceding sections, the court in which such judgment has been rendered may, upon motion filed by the defendant within thirty days after entry thereof, strike out the same and reinstate such case with leave to such defendant to file pleas, affidavit and certificate of counsel, or amend his pleas, affidavit and certificate of counsel already filed, within not exceeding ten days thereafter, whenever the court shall