

Act shall apply as well to the first day of each term as to the other return day herein enumerated.

1910, ch. 624, sec. 29B (p. 874).

53. In any suit, when the cause of action is a contract, whether in writing or not, or whether expressed or implied, the plaintiff, if affidavit or affirmation be made, as hereinafter stated, shall be entitled to judgment, to be entered by the Court or the clerk thereof on motion in writing at any time after fifteen days from the return day to which the defendant shall have been summoned, although the defendant may have pleaded, unless such plea contains a good defense, and unless the defendant or someone in his behalf shall, under oath or affirmation, state that every plea so pleaded by the defendant is true; and shall further state the amount of plaintiff's demand, if anything admitted to be due or owing, and the amount disputed; and further, that the affiant really believes the defendant will be able, at the trial of the cause, to produce sufficient evidence to support the plea as to the portion disputed; and that he is advised by counsel to file the said plea; and such plea shall be accompanied by a certificate of counsel that he is so advised that the party making such oath or affirmation, and if the co-partnership or incorporation of any of the parties to the suit shall be alleged in the declaration and the affidavit to be filed therewith, as hereinafter provided; or if there shall be filed with the declaration in said cause any paper purporting to be signed by any defendant therein, the fact of alleged co-partnership, incorporation and the genuineness of such signature shall be deemed to be admitted for the purpose of said cause, unless the said affidavit shall further state that the affiant knows or has good reason to believe such allegation of co-partnership or incorporation to be untrue, or that the signature was not written by or with the authority of the person whose signature it purports to be. In case any part of the debt or damages claimed to be admitted to be due, the plaintiff shall be entitled forthwith to an entry of judgment therefor with costs, in full satisfaction and discharge of action; provided, the amount so admitted to be due shall not be below the jurisdiction of the Court, or the defendant may pay such admitted part into Court; and thereupon such proceedings shall be had as are provided by law in other cases of payment of money into Court; provided, that the Court, for good cause shown, may by its order in writing passed at any time before judgment, extend the time for filing such plea and affidavits, which extension shall suspend until the expiration thereof the plaintiff's rights to enter judgment under this section.

1910, ch. 624, sec. 29C (p. 875).

54. The plaintiff shall not be entitled to judgment under the preceding sections unless at the time of bringing his action he shall file with his declaration an affidavit or affirmation, if the affiant is conscientiously scrupulous as to taking an oath, stating the true amount the defendant is indebted to him over and above all discounts, and shall also file the bond,