

within fifteen days after the return day to which said defendant has been summoned, or a judgment of non pros may be entered by the Court or the clerk thereof, upon a motion made in writing by the defendant; unless the Court, for good cause shown, shall grant further time; but, if the plaintiff shall have filed his declaration in any such action, at any time before the entry of a judgment of non pros against him, the defendant shall be required to plead to such declaration within the time and upon the terms prescribed by the rules of court, or judgment by default may be entered against him as provided by said rules.

1922, chs. 140 and 223, sec. 159H.

172. Every suit in which any defendant shall be returned summoned, shall stand for trial or judgment (as against such defendant) at the return day next succeeding the return day to which he has been summoned, providing the declaration shall have been filed in court and a copy thereof shall have been served upon the defendant or his attorney at least fifteen days before said return day.

1922, chs. 140 and 223, sec. 159-I.

173. 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 a 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 he defendant shall have been summoned, although the defendant may have pleaded, unless such plea contains a good defense, and unless the defendant, or some one 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 said plaintiff's demand, if anything, admitted to be due or owing, and the amount disputed; and further, that the affiant verily 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 so advised 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 such alleged co-partnership or incorporation, and the genuineness of such signature shall be deemed to be admitted for the purpose of such 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 such signature was not written by or by the authority of the person whose signature it purports to be. In case any part of the debt or damages claimed be admitted to be due, the plaintiff shall be entitled forthwith to an entry of judgment therefor, with costs, in the discretion of the court, to the