

time of entry of such judgment; and, if the amount so admitted to be due shall not be below the jurisdiction of the court, the plaintiff may at once have execution therefor; and, upon such entry of judgment, the plaintiff may join issue or reply to the pleas as to such disputed portion; and the case shall be proceeded with as to such disputed portion in the same manner as if the suit had been originally instituted for the recovery of the same; and the court shall have jurisdiction as to such disputed portion in all cases where the amount originally claimed shall be within the jurisdiction of the court; but, if either judgment in the case below the jurisdiction of the court, no execution shall issue on the same; and the provisions of Section 17 of Article 26 of the Code of Public General Laws shall apply thereto; yet if the sum of the two judgments shall equal such jurisdiction, they may then be included in an execution issued from the 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 pleas and affidavits, which extension shall suspend, until the expiration thereof, the plaintiff's right to enter judgment under this section.

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

**174.** The plaintiff shall not be entitled to a judgment under the preceding section, unless at the time of bringing his action he shall file with his declaration an affidavit or affirmation stating the true amount the defendant is indebted to him, over and above all discounts; and shall also file the bond, bill of exchange, promissory note or other writing or account by which the defendant is so indebted, or, if the action be founded upon a verbal or implied contract, shall file a statement of the particulars of the defendant's indebtedness thereunder; if there are two or more plaintiffs, the said affidavit or affirmation may be made by any one of them, or if all the plaintiffs be absent from the State at the time of the bringing of said suit, or if the plaintiff be a corporation, the said affidavit or affirmation may be made by any agent of any plaintiff or plaintiffs, or any of them who will make further oath or affirmation that he has personal knowledge of the matters therein stated; and the said affidavit or affirmation may be made before any of the persons who may take an affidavit or affirmation to authorize the issuing of a foreign attachment; and may be certified in the same manner.

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

**175.** When any judgment by default shall be entered under any of the preceding sections, the court may assess the damages on proof thereof without empaneling 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 said 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.