

admitted to be due, and judgment shall be entered for the plaintiff at his election for the sum acknowledged to be due; the whole or the disputed portion of the plaintiff's claim, at his election shall stand for trial at the next jury term of the Circuit Court for Anne Arundel County after the filing of said affidavit; provided, that no judgment shall be entered by virtue of this section unless the plaintiff, or if there be more than one, some one or more of the plaintiffs shall, at the time of the bringing of the action file in the office of the clerk of the court a copy of the instrument of writing or book entries or open accounts or claims, or in the case of a foreign judgment, an exemplified copy of said judgment, with an affidavit stating the sum demanded, and that the same is believed to be justly and truly due; and provided further that a copy of said account or other evidence of debt be served upon the defendant with a copy of the summons in the case, which summons shall contain a notice that judgment may be entered upon the suit unless a sworn defense is filed within twenty days after the return day to which said defendant is summoned. No stay of execution shall be granted on any such judgment unless a supersedeas be filed, with proper surety thereon, as now provided by law.

For the purpose of this Act return days to which process issued hereunder shall be returnable, shall be the first Monday in January, first Monday in March, first Monday in May, first Monday in July, first Monday in September and first Monday in November and all process issued under the provisions of this Act shall be returnable to the next succeeding return day, as above provided after the issuing of said process, provided the suit be docketed at least twenty days before the return day to which the process is made returnable.

1927, ch. 441, sec. 149C.

**190.** In all actions *ex delicto* in which a judgment by default or interlocutory judgment has been entered by the court against one or more defendants, final judgment may be entered by the court upon evidence offered by the plaintiff if found sufficient by the court for the purpose without a jury, provided a copy of the declaration in the case be served upon the defendant or upon each of the defendants, if there be more than one, duly certified by the clerk of the court together with a notice from the clerk of the court to the defendant or defendants notifying them and each of them of the entry of judgment by default or interlocutory judgment in the case, as the case may be and notifying them and each of them that they have a right to a jury trial on the plaintiff's cause of action and warning them that if they do not within thirty days from the service of copy of declaration and notice of right of jury trial claim a jury trial, then their right to a jury trial will be considered to be waived and the court may proceed to hear the evidence and enter up judgment, if the evidence be found sufficient, as in the case of an inquisition by a jury, as heretofore practiced in such cases. And in case there be more than one defendant then judgment may be entered up after service of the