

panied 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 said cause, unless the said affidavit shall further state that the affiant knows or has good reason to believe such allegations 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 damage 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 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 the 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 be below the jurisdiction of the court, no execution shall issue from that court 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 that 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.

Schaible v. Home Ins. Co., 132 Md. 681. *Wilhelm v. Mitchell*, 131 Md. 358.

1894, ch. 631. B. Co. C., sec. 40. 1916, sec. 78. 1928, sec. 85.

85. The plaintiff shall not be entitled to judgment under the preceding sections, unless at the time of bringing his action he shall file his declaration, with 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, bill of exchange, promissory note or other writings or account by which the defendant is so indebted; or if the action be formed 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 bringing such suit, or if the plaintiff be a corporation, the said affidavit or affirmation may be