

CHAPTER 523.

AN ACT to add one new section to Article 35 of the Annotated Code of Maryland (1924 Edition), title "Evidence", sub-title "Proof of Accounts", said new section to follow immediately after Section 52, to be known as Section 52A, to provide an additional method of securing judgment upon affidavit in actions brought before Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and the same is hereby added to Article 35 of the Annotated Code of Maryland (1924 Edition), title "Evidence", sub-title "Proof of Accounts", said new section to follow immediately after Section 52, to be known as Section 52A, and to read as follows:

52A. In any action arising *ex contractu*, brought before any Justice of the Peace of this State, if the plaintiff or his agent shall have filed, at the time of bringing his action, an itemized statement of his account and the original written contract, if any, between the parties, and an affidavit setting out distinctly his cause of action, and the sum he claims to be due, exclusive of all set-offs and just grounds of defense and the defendant shall have been served with a copy of said statement, contract and affidavit, and of the summons, the plaintiff shall be entitled to a judgment for the amount so claimed, with interest and costs, unless the defendant shall file, on or before six days next succeeding the return day of the summons, or such additional time as shall be fixed by said Justice of the Peace, an affidavit of defense, denying the right of the plaintiff as to the whole or some specified part of his claim, and specifically stating also, in precise and distinct terms, the grounds of his defense, which must be such as would, if true, be sufficient to defeat the plaintiff's claim in whole or in part; provided, that the following notice shall be given in the summons issued in such case: "The defendant is hereby notified that judgment by default may be entered against him unless he shall file an affidavit of defense with the Justice of the Peace before whom this summons is returnable within six days next succeeding the return day named herein, or such additional time as may be fixed by said Justice of the Peace." And where the defendant shall have acknowledged in his affidavit of defense his liability for a part of the plaintiff's claim as aforesaid, the plaintiff, if he so elect, may have judgment entered in his favor for the amount so confessed to be due. After taking such final judgment for the amount so confessed, the plaintiff shall have the right to prosecute the remainder of his claim in that suit, and (if he sus-