

the plaintiff, if affidavit or affirmation be made as hereinafter provided, shall be entitled to judgment, to be entered by the court or the clerk thereof, on the return day, or the first day of the term next succeeding the return day, or the term to which the defendant shall have been returned summoned, although the defendant may have pleaded, unless such plea contains a good defence, 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 what amount of the plaintiff's demand, if anything, is admitted to be due or owing, and what amount is disputed; and if the co-partnership or incorporation of any of the parties to the suit shall be alleged in the declaration, and the affidavit filed therewith and hereinafter provided for, 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 purposes of said 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 to an entry of judgment therefor, as aforesaid, with costs, in full discharge of the action, provided the amount so admitted to be due shall not be below the jurisdiction of the court; or the defendant may pay such admitted part into court, and thereupon such proceedings shall be had as are provided by law in other cases of payment of money into 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 affidavit, which extension shall suspend until the expiration thereof, the plaintiff's right to enter judgment under this section; and provided further, that the court may, and it shall be its duty to pass such rules as may be necessary to carry out the purpose of this sub-title of this article.

Pleadings in
suits on
contracts.

58c. The plaintiff shall not be entitled to judgment under the preceding sections, unless at the time of bringing his action, or before the day to which process is returnable, he shall file with his declaration an affidavit, or affirmation, if the affiant has conscientious scruples as to taking an oath, stating the true amount in which the defendant is indebted to

Affidavit to
be filed with
declaration.