

What deemed
to be admitted

What plaintiff
is entitled to.

such alleged copartnership or incorporation, and the genuineness of such signature, shall be deemed to be admitted for the purpose of said cause, unless the affidavit of the defendant is made in his behalf, as before provided, shall further state that the affiant knows, or has good reason to believe, such allegation of copartnership 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, with costs, in full discharge to 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 the 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 affidavits, 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 purposes of this act.

How entitled
to judgment.

SEC. 40G. 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 discount, 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 bringing of said suit, or if the plaintiff be a corporation, the said