

title "Cecil County," sub-title "Pleading, Practice and Process," relating to the recovery of judgments.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 409 of Article 8 of the Code of Public Local Laws of Maryland, title "Cecil County," sub-title "Pleading, Practice and Process," be and the same is hereby repealed and re-enacted with amendments, to read as follows:

409. In all actions in the Circuit Court for Cecil County upon bills, notes, bonds or other instruments of writing for the payment of money, or for the recovery of book and open accounts or on foreign judgments, judgment by default shall be entered by the court when sitting or by the clerk thereof on order of a Judge of said court during recess, upon motion in writing of the plaintiff, or his attorney, after twenty days from the return day hereinafter provided, to which the defendant was summoned, notwithstanding the appearance by the defendant, unless the defendant, or if there be more than one, one or more of them shall have previously filed in the cause an affidavit stating that the defendant verily believes there is a legal defense to the whole or part of such cause of action, and setting forth the nature and character of the same with such clearness as, if true, would defeat the action; if the defense be to a part only of the cause of action, the defendant, or if there be more than one, any one or more of them shall, in such affidavit, specify the sum which is 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 Cecil 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.