

CHAPTER 73

(Senate Bill 53)

AN ACT to repeal and re-enact, with amendments, Sections 64 and 66 of Article 35 of the Annotated Code of Maryland (1951 Edition), title "Evidence", sub-title "Proof of Accounts", to provide, except as otherwise stipulated by Rule of Court, that for purposes of these sub-sections accounts shall include certain additional types of contractual and quasi-contractual agreements, in any amount, and for the affirmation thereto by creditors, and for the making of affidavits thereto by officers or agents of certain corporations.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 64 and 66 of Article 35 of the Annotated Code of Maryland (1951 Edition), title "Evidence", sub-title "Proof of Accounts", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

64. *Except as otherwise provided by Rule of Court* ~~[Any]~~ any ANY account for money or goods lent or due and chargeable in account for goods sold, work done or other things properly chargeable in account, *including any obligation or liability in contract or quasi-contract and whether express or implied,* ~~[not exceeding Fifty Dollars]~~ which shall be sworn to by the creditor before a notary public or a justice of the peace of this State, or before any officer of any other State or country where he may be at the time having authority to administer an oath therein and certified as aforesaid to be just and true, and that he hath not, directly or indirectly, received to his knowledge any part or parcel of the money or goods charged as due by such account or any security or satisfaction for the same more than credit shall be given for, shall be received as good evidence in any court or before any justice of the peace of this State, unless the debtor or defendant shall make it appear by lawful evidence that such account is false in part or in whole.

66. *Except as otherwise provided by Rule of Court* ~~[In]~~ in IN cases where there are two or more plaintiffs any affidavits required under the preceding sections to be made by the party bringing suit or by the creditor may be made by any one of the plaintiffs, or if all the plaintiffs be absent from the State at the time of the bringing of the suit, or if the plaintiff be a corporation, such affidavit may be made by any agent of the plaintiff or plaintiffs, or any of them, who will make further oath that he is such agent and that he has personal knowledge of the matters therein stated; such affidavit, if made on behalf of any firm or copartnership, shall be prima facie evidence of said partnership and of the persons composing the same as therein set forth, or if made on behalf of any body corporate by any person therein alleging himself to be ~~[a charter officer thereof]~~ an officer or agent of the corporation authorized to make the affidavit shall be prima facie evidence of the fact of its ~~[corporation]~~ incorporation and of the matters ~~[as]~~ therein set forth.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

Strike out indicates matter stricken out of bill.