

the purpose of said cause, unless the affidavit of the defendant or made in his behalf, as before provided, 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 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 Sections 73 and 83 of this subtitle of this Article.

Ebert v. Gitt, 95 Md. 192.

P. L. L., 1888, Art. 11, sec. 71. 1918 Code, sec. 100.

79. 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 discounts, 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 affidavit or affirmation may be made by an agent of the plaintiff or plaintiffs, who will further make oath or affirmation that he has personal knowledge of the matter therein stated; and the said affidavit or affirmation may be made before any of the persons who may take an affidavit or affirmation to authorize the issuing of a foreign attachment, and may be certified in the same manner; provided, that when an executor or administrator brings an action he shall be required to prove the death of the party, whose representative he claims to be, if proofs of such death be demanded in writing within the time required to plead; but proof of the grant of letters testamentary or of administration shall be *prima facie* evidence of such death.

P. L. L., 1888, Art. 11, sec. 72. 1918 Code, sec. 101.

80. On all judgments by default that shall be entered under any of the preceding sections, the court may assess the damages on the proof thereof, according to the practice of said court, without empaneling a jury to do so.