

CHAPTER 812.

(House Bill 796)

AN ACT to repeal and re-enact, with amendments, Section 69 of Article 5 of the Code of Public Local Laws of Maryland (1930 Edition), title "Calvert County", sub-title "Circuit Court", Section 39 of Article 9 of said Code, title "Charles County", sub-title "Circuit Court", Section 197 of Article 17 of said Code, title "Prince George's County", sub-title "Circuit Court", and Section 42 of Article 19 of said Code, title "St. Mary's County", sub-title "Circuit Court", as said sections were amended by Chapter 53 of the Laws of Maryland of 1937, relating to extending, by written agreement of the parties, the time of filing any plea, affidavit of defense or demurrer in cases arising under the Speedy Judgment Act.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 69 of Article 5 of the Code of Public Local Laws of Maryland (1930 Edition), title "Calvert County", sub-title "Circuit Court", Section 39 of Article 9 of said Code, title "Charles County", sub-title "Circuit Court", Section 197 of Article 17 of said Code, title "Prince George's County", sub-title "Circuit Court", and Section 42 of Article 19 of said Code, title "St. Mary's County", sub-title "Circuit Court", as said sections were amended by Chapter 53 of the Laws of Maryland of 1937, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

In any action hereafter brought in any Circuit Court in the Seventh Judicial Circuit of Maryland arising ex contractu, if the plaintiff or his agent shall file at the time of bringing his action an affidavit setting out distinctly his cause of action and the sum he claims to be due, exclusive of all set-offs and just grounds of defense, and shall serve the defendant with copies of his declaration and of said affidavit, he shall be entitled to a judgment for the amount so claimed, with interest and costs, forty days after such service unless the defendant shall file a plea which if in bar is accompanied by an affidavit of defense denying the right of plaintiff as to the whole or some specified part of his claim specially stating also, in precise and distinct terms, the ground of his defense, which must be such, as would, if true, be sufficient to defeat the plaintiff's claim in whole or in part; and where the defendant shall have acknowledged in his affidavit of defense his liability for a part of the plaintiff's claim as aforesaid, the plaintiff, if he so elect may have judgment entered in his favor for the amount so confessed to be due, such judgment to be a bar to any further amount not so confessed. Any judge of the