

upon 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 affidavit, 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 purpose of this sub-title of this article.

1894, ch. 561, sec. 1.

98. The plaintiff shall not be entitled to judgment under the preceding sections, unless at the time of bringing his action, or before the day to which process is returnable he shall file with his declaration an affidavit, or affirmation, if the affiant has conscientious scruples as to taking an oath, stating the true amount in which 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 the said affidavit or affirmation may be made by any agent of the plaintiff or plaintiffs or any of them, who will further make oath or affirmation that he has personal knowledge of the matters 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 proof 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.

1894, ch. 561, sec. 1.

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

Ibid.

100. On all judgments entered in said court under the provisions of the preceding sections, there shall be a stay of execution until the return day or the first day of the term, which ever shall first occur, next succeeding the return day of the