

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 section.

Thorne v. Fox, 67 Md. 67.

P. L. L., 1888, Art. 22, sec. 66. 1886, ch. 264.

103. The plaintiff shall not be entitled to judgment under the preceding section, unless at the time of bringing his action he shall file with his declaration 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 the bringing of said suit, or if the plaintiff be a corporation, 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.

P. L. L., 1888, Art. 22, sec. 67. 1886, ch. 264.

104. 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.

P. L. L., 1888, Art. 22, sec. 68. 1886, ch. 264.

105. On all judgments entered in said court there shall be a stay of execution until the rule day or the first day of the term, whichever shall first occur, next succeeding the rule day or the term at which said judgment may have been entered, with the right to the defendant to supersede the same for six months from the expiration of said stay as now allowed by law; provided, however, that the court may, on motion in writing by the plaintiff or his attorney, showing sufficient reasons therefor, allow an execution or attachment or other proper writ to be issued at any time after the entry of judgment as aforesaid, and before the expiration of said stay.

P. L. L., 1888, Art. 22, sec. 69. 1860, Art. 21, sec. 58.

106. In all cases in the circuit court for said county, where, at the trial thereof, exception shall be taken to any opinion or direction of the