

made) in which, if judgment were obtained, he would be entitled to relief against such judgment on equitable grounds, to plead the facts which entitle him to such relief, by way of defence, and the court in which said action is pending is hereby empowered to receive such defence by way of plea; provided, that such plea shall begin with the words: "For defence on equitable grounds," or words to that effect.

1888, ch. 547.

84. The plaintiff or the defendant in replevin may demur to such plea for want of equity, or reply thereto facts which avoid such plea upon equitable grounds; provided, that such replication shall begin with the words: "For replication on equitable grounds," or words to the like effect.

Ibid.

85. In case it shall appear to the court that any such equitable plea or equitable replication cannot be dealt with by a court of law, so as to do justice between the parties, it shall be lawful for such court to order the same to be struck out, on such terms as to costs and otherwise as to such court may seem reasonable; all replevin bonds and *retorno habendo* bonds may be given by the plaintiff or defendant, as the case may be, or, on their behalf, the clerk shall have power to swear all parties executing such bonds, whether as principals or securities, as to their pecuniary sufficiency, and may also interrogate under oath the plaintiff in any replevin touching the value of the goods and chattels proposed to be replevied, in order to determine the proper penalty to be named in the replevin bond.

Extending Judgments.

P. G. L., (1860,) art. 75, sec. 62. 1794, ch. 46. 1864, ch. 175.

86. In all cases in any action on any promissory note, bill, bond or open account, in which an interlocutory judgment or judgment by default has been or shall hereafter be entered in any of the courts of this State, whereby the right of the plaintiff is established, but the damages sustained by him are not ascertained, the judge of the court where such judgment is, on motion of the plaintiff, or of his attorney, and the production to him of the promissory note, bill of exchange, bond, record or