

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 plaintiff, 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 he 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.

1888, ch. 185.

**72.** 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.

*Ibid.*

**73.** 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, whichever shall first occur, next succeeding the return day, or the term at which said judgment shall 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