

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.

**Judgments by default.** 58 n. 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.

**Stay of execution.** 58 i. 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 of 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.

**Demurrer to declaration.** 58 j. Nothing in the preceding sections shall prevent a defendant from filing a demurrer to the plaintiff's declaration instead of pleading thereto, but the filing of such demurrer shall not prevent the plaintiff from obtaining judgment by default against the defendant, according to the provisions of the preceding sections, unless the defendant, or someone in his behalf, shall at the time of filing such demurrer also make