

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. 1912, ch. 790, sec. 99.

147. 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.

1894, ch. 561, sec. 1. 1912, ch. 790, sec. 100.

148. 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 term at which said judgment may have been entered, with the right to the defendant so 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.

1894, ch. 561, sec. 1. 1912, ch. 790, sec. 101.

149. 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 oath or affirmation, to be filed in the case, that such demurrer is not interposed for the purpose of delay.

1894, ch. 561, sec. 1. 1912, ch. 790, sec. 102.

150. The clerk of said court shall have full power and authority to enter judgment by default under the rules of said court, according to the provisions of Section 145 of this Article, in the absence of the judge, but shall not have authority to extend such judgment or assess the damages, which shall alone be done by the order or under the direction of said court, or one of the judges thereof.

RECORDS.

1904, ch. 71, sec. 13. 1912, ch. 790, sec. 103.

151. It shall be the duty of the judges of the Circuit Court for Montgomery County at every term to inspect the records, indexes and papers