

made by an agent of the plaintiff or plaintiffs, who will further make oath or affirmation that he has personal knowledge of the matters contained therein; 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 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.

Councilman v. Towson Bank, 103 Md. 469.

1914, ch. 817. 1916, ch. 184. B. Co. C. (1916), sec. 79. 1928, sec. 86.

**86.** If judgment be entered against any defendant for failure to appear and plead, or failure to file a sufficient plea, affidavit or certificate of counsel, under the provisions of Sections 84 and 85, the court in which such judgment has been rendered may, upon motion filed by the defendant within thirty days after entry thereof, strike out the same and reinstate such case with leave to such defendant to file pleas, affidavit and certificate of counsel, or amend his pleas, affidavit and certificate of counsel, already filed, within not exceeding ten days thereafter, whenever the court shall be of the opinion that the interests of justice will be promoted by striking out such judgment and so reinstating such case, although sufficient grounds for striking out such judgment for fraud, deceit, irregularity or such other grounds as would have sufficed before the enactment of this section may not be present; provided, however, that the court granting such order may in its discretion require as a condition thereto, that the defendant give bond with approved security for the payment of any judgment finally recovered against him in such case in such penalty as may be prescribed by the court and that the defendant pay the costs so far incurred in said case, or any other conditions which the court may deem proper; and if any defendant who has been given leave to file pleas, affidavit or certificate, or to amend those already filed, under this section, shall fail to file a sufficient plea, affidavit or certificate of counsel, or to amend those already filed so as to be sufficient within the time so limited, then the plaintiff shall be entitled to final entry of judgment on motion therefor, in the same manner as for failure to file a sufficient plea, affidavit or certificate within the time originally limited under the preceding sections.

Wilhelm v. Mitchell, 131 Md. 358.

1894, ch. 631. B. Co. C. (1908), sec. 41. 1916, sec. 80. 1928, sec. 87.

**87.** 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.

1912, ch. 385, sec. 41A. 1916, ch. 184. B. Co. C. (1916), sec. 81. 1928, sec. 88.

**88.** If the defendant shall dispute the whole or any part of the plaintiff's demand in any action brought under the provisions of Sections 84,