

affidavit or affirmation may be made by an agent of the plaintiff or plaintiffs, or any of them 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 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.

~~Affidavit~~
how made.

SEC. 40H. 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.

Court may assess damages.

SEC. 40I. 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 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.

Stay of execution.

SEC. 40J. 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 some one in his behalf, shall, at the time of filing such demurrer also make oath or affirmation, to be filed in the case, that

What not to prevent.