

41. 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.

42. 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 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.

43. Nothing in the nine 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 permit 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 such demurrer is not interposed for the purpose of delay.

44. The clerk of said court shall have full power and authority to enter judgments by default under the rules of said court, according to the provisions of Section 39, in the absence of the judge, but shall not have authority to extend such judgments or assess the damage, which shall alone be done by the order and under the direction of said court, or one of the judges thereof.

45. Cases on the trial docket in said court shall at any time be continued on the application of the respective parties thereto, or of their counsel.

46. Cases referred in said court to arbitration shall be reinstated on the application of the respective parties thereto, or of their counsel.

47. In all cases of trial at common law, in said court, the parties, or either of them, who may except to the opinion of the court in the course of such trials, may require the court to sign and seal such exceptions before the verdict is rendered.