

## DEFAULT.

- Judgment to be entered against a sheriff or coroner failing to make return of any writ of execution, when called upon by any court of record, or the chancery court—1794, ch. 54, sec. 1, . . . . . 311
- The court directed, on motion, to make an order for such return of course, unless such sheriff or coroner shall, upon oath or otherwise, satisfy the court that the writ was not received by him, or to the best of his knowledge by any of his deputies—1794, ch. 54, sec. 4, . . . . . 312
- Where any sheriff or coroner shall pay to the plaintiff any judgment rendered against him in virtue of this act, or for a default upon any execution, such sheriff or coroner shall thereupon immediately become entitled to the judgment as fully as the plaintiff was, and may issue execution in his own name, or in the name of the plaintiff, upon such judgment, for his own use—1794, ch. 54, sec. 3, . . . . . 311
- Sheriffs not pursuing the directions of this act, by taking bail bonds, or taking the criminal before a magistrate, shall be liable to be proceeded against as they would on default in not bringing in the party according to their return, if this act had not been made—Oct. 1780, ch. 10, sec. 4, . . . . . 163
- On sheriffs or coroners being defaulted for failing to bring into court persons taken in execution in any criminal proceeding, the court, on motion of the attorney-general, or either of his deputies, may direct judgment to be entered against such sheriff or coroner for the amount of any recognizance, fine, penalty or forfeiture, and costs, for which judgment shall have been entered against the person taken in execution—1793, ch. 60, . . . . . 302
- Such judgment to have the same effect as a judgment on the verdict of a jury—1793, ch. 60, . . . . . 302
- Manner of entering judgment by default against sheriffs on executions issued for fines, &c.—1795, ch. 74, sec. 4, . . . . . 327
- Judgments by default to carry interest in the same manner as those upon finding of a jury—1811, ch. 161, . . . . . 605
- On the death of a defendant, where the person necessary to be made a party resides out of the state, subpoena may be issued, and on proof of service, and such party not appearing, judgment may be entered by default nisi the third day of the succeeding term—1815, ch. 149, sec. 4, . . . . . 632

## DEPOSITIONS, EVIDENCE, TESTIMONY.

- Of sea-faring men, when to be evidence—1721, ch. 14, . . . . . 57
- To be taken and returned by commissioners respecting the boundaries of land—1723, ch. 8, p. 61; 1786, ch. 33, p. 238; Nov. 1787, ch. 22, p. 249; 1793, ch. 70, . . . . . 302
- How to be taken by commission from courts of law—Nov. 1773, ch. 7, sec. 7, . . . . . 126
- How to be taken and returned under the act establishing a mode to perpetuate testimony—July, 1779, ch. 8, . . . . . 145