

41. If any infant is entitled to lands by purchase, he shall not be obliged to answer any suit or action, except in cases where the heir would be bound by law to answer.

42. In any case where the attendance of a witness residing within this State to a material fact cannot be procured, the case may be continued as long as the court thinks proper, if the adverse party will not admit the facts, or consent to the taking the deposition of such witness on interrogatories, before some justice of the peace where the witness resides.

43. On a special verdict, or case stated, the court shall not continue any case on a curia advisari vult longer than two terms.

44. If plots returned in any cause are defective, and cannot be amended at bar, or if plots are not returned from the neglect of the surveyor, his sickness, or other accident, and the court shall think a continuance necessary for a fair trial of the cause, the same may be continued for such reasonable time as the court may determine.

45. In all cases where a continuance is granted the party applying for the same shall pay the costs of the term, unless the court shall otherwise direct.

46. Where a tract of land, or contiguous tracts, lie partly in one county and partly in another, an action of ejectment may be brought for the whole land in the Circuit Court of one of the counties; *Provided*, if one person is in possession of the whole of the land, and resides in either of the counties where the land lies, the action shall be brought in the county where such person resides, and if the person in possession does not reside in either of the counties, the action shall be brought in the county where the greater part of the land lies.

47. In actions brought under the preceding section, the court shall have the same power to try the same, to order writs of resurvey and award writs of possession for the whole land, as if the whole land lay in the county where the court is held, the writs of possession to go to the sheriffs of the respective counties, and be by them returned to the court issuing the same, and