

and returned, said writ shall be delivered to and executed, and returned by any succeeding sheriff, coroner, or elisor.

67. The provisions of the three last preceding sections shall apply to sales made by constables or sheriffs, upon executions issued by justices of the peace, after such sale is confirmed by the court, and the said writ may be issued by the court to which the proceedings as to such sales shall be returned, as if the execution under which such sales shall have been made had issued from such court on a judgment therein recovered.

68. No application for a writ of habere under this article, shall abate by reason of the death of the purchaser, before obtaining possession of the lands and tenements; but his heir or devisee shall have all the rights and remedies therein given to the purchaser.

#### PRODUCTION OF BOOKS AND ANSWERING BILL OF DISCOVERY.

69. The court shall have power in the trial of actions at law, on motion made at the first court after the appearance court, supported by affidavit that the same is not intended for delay, and due notice thereof being given, to require the parties to produce copies, certified by a justice of the peace, of all such parts of all books or writings in their possession or power as contain evidence pertinent to the issue, or to answer any bill of discovery only which may be filed by the second court after the appearance court, in cases and under circumstances where they might be compelled to produce said original books or writings or answer such bill of discovery by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with any such order to produce such books or writings, or answer such bill of discovery, it shall be lawful for the said courts on motion to give the like judgment for the defendant as in cases of non suit; and if a defendant shall fail to comply with such order to produce books or writings, or to answer any bill for discovery only, it shall be lawful for the court on motion as aforesaid, to give judgment against him by default; *Provided*, that any plaintiff or defendant may, in compliance with any rule for producing extracts of such books or papers, bring into court the original books or papers.

70. At the trial of any suit instituted upon the bond of any clerk or register for neglect of duty, it shall be the duty of the