rant of re-survey, order, or other process, the court in which such cause is pending, and to which such warrant of re-survey, order, or other process is returnable, shall, on motion and proof of delivery thereof, amerce such sheriff, surveyor or other officer not exceeding two hundred dollars, and enter judgment against him in the name of the State, but for the use of the party aggrieved by such neglect, who may issue execution thereon as upon other judgments.

PROCESS.

84. In all civil suits or actions in the Circuit Courts where capias ad respondendum formerly issued, a writ of summons shall be issued for the defendant, in which shall be stated the purpose for which he is summoned; and the said summons shall be returnable on the first day of the term next after issuing the same.

85. If the summons is returned "summoned," and the defendant returned "summoned" shall fail to appear, the court shall on the second day of the term to which the summons is returnable, enter the appearance of any defendant so summoned and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person.

86. Where there is more than one defendant, and some shall appear, and some who have been summoned shall fail to appear, the court shall have an appearance entered for those who fail to appear, and the same proceedings shall be pursued as if all had appeared.

87. No person shall be sued out of the county in which he resides, until the sheriff or coroner of the county in which he resides shall have returned a non est on a summons issued in such county; *Provided*, that nothing herein contained shall apply to any person who shall abscond from justice in the county where he lives, but such person may be sued in any county where he may be found; this section not to apply to ejectment, dower, replevin, scire facias on judgment or decree, nor to heirs, devisees or terre-tenants against whom process may be issued to another county.

88. If any trespass shall be committed on any real property, and the person committing the same shall remove from the