

52. Proceedings upon death of either of parties.
53. Arbitrator dying or refusing to act, court to appoint successor.
54. Proceedings if award not returned within eight months.
55. Proceedings after award made.

Cases by Consent.

56. Parties may submit issues to jury, and agree that upon their decision money to be paid by one to other; amount, how estimated.
57. Proceedings upon finding of jury.
58. Parties at any time before judgment may submit questions of law for opinion of court.
59. Parties may agree that upon decision by court a sum of money is to be paid; amount, how estimated.
60. "Next friend" or *prochein ami* may compromise suit for infant; proviso.

Certiorari.

61. Bond given by party obtaining writ.

Continuance.

62. How long cause continued.
63. Because of absence of witness.
64. Affidavit for, to contain what.
65. Court may examine on oath party making affidavit; adverse party may admit facts such witness would prove, retaining right to contradict said testimony.
66. When new trial granted, or commission issued or judgment set aside.
67. When party to suit dies.
68. Suit involving title to lands where party dies and infant is proper party to be substituted, suit not to abate, but guardian made party.
69. Infant entitled to lands by purchase only bound to answer suit when heir so bound.
70. In case where attendance of witness residing within state cannot be had.
71. On a special verdict, or case stated, court not to continue case more than two terms.
72. If plats returned in any case are defective, or fail to be returned by accident, court may continue case.
73. Cost of; by whom paid.
74. Cases when new trial ordered by court of appeals, proceedings may be stayed until all costs paid.

75. During session of Legislature, cases of attorney, member thereof, shall be continued unless this section waived.

Ejectment.

76. How begun; proceedings in.
77. Mortgagor may maintain, except as against mortgagee.
78. Proceedings in cases between landlord and tenant.
79. Where suit brought.
80. Defendants may sever; three sets of plats to be returned.
81. Court to apportion costs where defendants sever.
82. Plaintiffs may declare jointly.
83. One of joint plaintiffs may recover to extent of his title.
84. Patent not necessary to be proved; proof of enclosure no longer necessary.
85. Warrant of resurvey to be issued only when there is dispute as to location.
86. Or when different parcels are claimed under same title.
87. Party applying for, shall first locate his claim.
88. How locations shall be made; proceedings. Trespass *q. c. f.*
89. Plats and certificates amendable; witnesses may be examined who were not sworn on survey.
90. Plats not to be considered pleadings *per se.*

Equitable Defenses.

91. Defendant entitled to plead; commencement of plea.
92. Plaintiff may demur thereto for want of equity; or reply.
93. In what cases court may strike out such plea.

Extending Judgments.

94. In what cases court may extend; in what cases inquisition by jury is required.
95. Verdict and judgment in suits on bonds with penalty.

Legal Sufficiency of Evidence.

96. Defendant may offer evidence though court reject prayer at end of plaintiff's case that plaintiff has offered no evidence legally sufficient, etc.