

ARTICLE LXIV.

PROCEEDINGS IN ACTIONS AT LAW.

1 Practice, proceedings, and pleadings in courts.

SUMMONS.

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| <p>2 Summons in civil suits, what it shall state, when returnable</p> <p>3 When court to enter appearance of defendant summoned</p> <p>4 Where more defendants than one</p> <p>5 Where party may be sued, proviso, to what actions not to apply.</p> <p>6 Trespasser removing, executor</p> <p>7 Captain, master, or owner of steamboat or other vessel</p> | <p>8. Jurisdiction of counties lying on navigable rivers.</p> <p>9. When devisees may be sued by creditors without making heirs parties.</p> <p>10 Service of <i>scire facias</i>, or attachment with <i>sci. fa</i> clause.</p> <p>11. Duplicate writs of <i>sci. fa</i> against heirs or terre-tenants.</p> <p>12 Duplicate writs in joint actions against heirs and devisees, where action to be instituted.</p> |
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EJECTMENT.

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| <p>13 Declaration in ejectment, copy, with written notice to be served on defendants, refusal to appear or disclaimer of title; mesne profits</p> <p>14 Landlord and tenant, when copy of declaration cannot be legally served, or tenant not in actual possession, service or affixing of declaration to stand, instead of demand and re-entry, judgment for non-appearance, affidavit, when lessee and claimants under lease barred, effect of verdict for defendant, or non-suit of plaintiff, mortgagee of lease</p> <p>15. Suits where lands contiguous and in adjoining counties</p> <p>16 Defendants may sever, one set of plats to be returned</p> <p>17 Defendants in ejectment.</p> <p>18 How joint holders may declare</p> | <p>19 Each plaintiff to recover to extent of his title.</p> <p>20 Patent to be presumed, user and ownership evidence of possession, to what titles not to apply.</p> <p>21 Warrant of resurvey.</p> <p>22 Same</p> <p>23. Party applying for warrant to make location of claim first.</p> <p>24 In execution of warrant of resurvey, what to be located, when location by protraction to be <i>prima facie</i> evidence</p> <p>25 Amendments of plats and certificates, witnesses</p> <p>26 Plats not to be deemed pleadings or evidence, counter location</p> <p>27 How lands may be described in ejectment; dower, trespass, or case.</p> |
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REPLEVIN.

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| <p>28 Return of property in replevin, when to be refused.</p> | <p>29. Defendant in replevin failing to appear, when judgment to be entered.</p> |
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LIEN OF STATE'S SUIT.

- 30 All lands of debtor to State bound from the issue of the writ, exception.

IN PRIVILEGE.

- 31 Privilege

ABATEMENT.

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| <p>32 What actions at law shall not abate by death of parties thereto, how new defendants made</p> <p>33. Proceedings on failure of new defendants to appear</p> <p>34 Who made parties on death of plaintiff, proceedings</p> <p>35. Death of new party, or any other party, proceedings</p> | <p>36 New party may use old pleadings, amendment.</p> <p>37 Costs and judgment; where new defendant not to pay debts or costs</p> <p>38 How heir, etc., resident in a different county, summoned, proceedings</p> <p>39. How heir, etc, resident out of State, summoned, proceedings</p> <p>40 Marriage of parties.</p> |
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