

ART. 75.] PLEADINGS, PRACTICE AND PROCESS AT LAW. 1089

- 59. Court may examine on oath party making affidavit; adverse party may admit the facts such witness would prove, retaining right to contradict said testimony
- 60. Continuance when new trial is granted, or commission issued, or judgment set aside.
- 61. Continuance when party to a suit dies
- 62. Suit involving title to lands where party dies and an infant is a proper party to be substituted, suit not to abate, but guardian to be made a party
- 63. Infant entitled to lands by purchase only bound to answer suits when heir would be bound so to do
- 64. Continuance in case where attendance of witness residing within State cannot be had.
- 65. On a special verdict, or case stated, court not to continue case more than two terms.
- 66. If plats returned in any case are defective, or fail to be returned by any accident, court may continue case.
- 67. Costs of continuance, by whom paid.
- 68. Cases when new trial has been ordered by court of appeals, proceedings may be stayed until all costs paid.

Ejectment.

- 69. How begun; proceedings in
- 70. Proceedings in cases between landlord and tenant.
- 71. Where suit to be brought
- 72. Defendants may sever, one set of plats to be returned.

- 73. Court to apportion costs where defendants sever.
- 74. Plaintiffs may declare jointly.
- 75. One of joint plaintiffs may recover to the extent of his title.
- 76. Patent not necessary to be proved; proof of enclosure no longer necessary.
- 77. Warrant of resurvey to be issued only when there is dispute as to location.
- 78. Or where different parcels are claimed under same title
- 79. Party applying for, shall first locate his claim.
- 80. How locations shall be made, proceedings.
- 81. Plats and certificates to be amendable, witnesses may be examined who were not sworn on the survey.
- 82. Plats not to be considered pleadings *per se*.

Equitable Defences.

- 83. Defendant to be entitled to plead; commencement of plea.
- 84. Plaintiff may demur thereto for want of equity; or reply
- 85. In what cases court may strike out such plea.

Extending Judgments.

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

Possession—Writs of.

- 88. Writ of *habere facias possessionem*, how obtained.