

or persons so having committed the said waste or destruction, being in court, upon an attachment of contempt or otherwise, to stand or remain committed, and kept in close custody until the double of the value of the damage found by commissioners as aforesaid, and costs, are fully paid and satisfied to the person or persons suing forth such injunction, and the fine for the contempt, or the chancellor may issue *feri facias* or *capias ad satisfaciendum*, as aforesaid, to compel payment of double the value of the damages aforesaid, and costs; and as often as any further waste or destruction shall be done or committed, contrary to the said injunction, the same proceeding and remedy shall and may be had against the person or persons having done or committed the same; and each commissioner as aforesaid appointed shall, before he acts as such, take an oath before some justice of the peace, well and truly to execute the said commission, without fear, favour, partiality or prejudice, which oath shall be returned with such commission; and each commissioner shall be allowed fifteen shillings current money per day for every day's actual service upon such commission, to be paid by the party against whom the complaint for committing waste is made, in case it is found by the commissioners as aforesaid that any waste or destruction shall have been committed; and if no waste or destruction shall be found to have been committed, then to be paid by the party making complaint, and payment of the said allowance to the commissioners as aforesaid may be compelled by order of the chancellor, and process for disobedience to such order as in other cases.

SEC. 29. *And be it enacted*, That in case any mortgage hath been made, and the person making the same, or his heir, devisee or alienee, shall be a British subject, and the person having a right to the mortgaged premises as security for money, tobacco, or any other valuable thing, is a citizen of this, or any of the United States, and the day of payment is elapsed, it shall and may be lawful for such person claiming the mortgaged premises aforesaid to file his bill for foreclosure of such mortgage, and to serve the attorney-general with notice of such bill, who shall thereupon appear, plead, or answer and defend, on behalf of this state, and there shall be the same proceedings and decree as in other cases of bills for foreclosing mortgages.

On mortgage, &c.
bill may be
filed, &c.

SEC. 30. *And be it enacted*, That if any mortgagor of real property within this state to a citizen of this state, or any person claiming under such mortgagor, shall reside out of this state and within any other of the United States, the complainant may file his bill for foreclosing such mortgage in the high court of chancery, and upon service of notice thereof on the defendant, or inserting the same in the public newspapers of the state where

Mortgagor,
&c. may
file his bill,
&c.