

whose duty it shall be to have the same filed or entered on record by their clerks; provided also, that nothing in this act contained shall be construed to prohibit or prevent the sheriff or their deputies, in the respective counties, from executing or levying executions issued by a justice of the peace for small debts out of court, when the same are put into their hands for that purpose, in the same manner as by law they have been or now are authorized to do.

Constables fees are now graduated by 1820, ch. 164; 1834, ch. 192.

The penalty of the bond is increased to \$ 800, by 1809, ch. 177.

By 1806, ch. 21, constables neglecting to make due return of any execution, may be fined, and judgment may be entered against him and his securities, on failing to make return. If return is made, and he fails to have the defendant before the justice, judgment may be entered against him and his securities, at any time within sixty days.

Judgments,
in certain
cases, may
be received.

SEC. 4. *And be it enacted*, That where any judgment obtained before a single magistrate shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgments had been obtained, or any other justice of the peace for said county, to revive the same by a writ of scire facias, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to the said justice, or to any other justice of the peace of said county; and any constable, qualified as above mentioned, of the hundred, or of the said county, is hereby authorized and required to serve such writ of scire facias, and make due return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee, and liable to the same penalty, as in the case of a warrant issued by a single magistrate, according to the law in such case made and provided.

By 1823, ch. 194, an execution may be taken out, at any time within three years, without issuing a scire facias.

Constables
may deliver
persons at
county gaol

SEC. 5. *And be it enacted*, That it may be lawful for any constable of the county qualified as aforesaid, to deliver at the county gaol, to the sheriff or gaoler of the said county, any person committed by a single magistrate on a *capias ad satisfaciendum*, when the case may or doth so require, and that the said sheriff or his gaoler is hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom according to law.

Duration.

SEC. 6. *And be it enacted*, That this act shall continue to be in force for and during the continuance of the act to which this is a supplement.

There is no limitation to the original act.