

due to the plaintiff—and upon such finding judgment shall be entered by the court for the penalty, to be released upon payment of the sum of money so found to be due, and interest on the same till paid and costs of suit; and the sum really due as aforesaid, or in any other manner ascertained, upon bonds and other instruments of writing, with penalty, shall be considered in law as the true debt, and shall be so pleaded by and allowed to administrators and others.

64. Whenever any lands or tenements shall be sold by any sheriff, coroner, or elisor, by virtue of any process of execution from any court of this State, and the debtor named in such execution, or any other person holding under said debtor by title subsequent to the date of the judgment or decree, shall be in actual possession of the lands or tenements so sold, and shall fail or refuse to deliver possession of the same to the purchaser thereof, the court to which the said process is returnable, on the application of the purchaser, his agent or attorney, may, unless good cause to the contrary be shown by the debtor, his agent or attorney, or other person concerned within the first four days of the term next succeeding that to which such process was returnable, issue a writ in the nature of a writ of habere facias possessionem, reciting therein the proceedings which may have been had on said process, thereby commanding the said sheriff, coroner, or elisor, to deliver possession of the said lands or tenements to the purchaser thereof.

65. The said sheriff, coroner, or elisor, shall have all the powers in the execution of said writ that he may have in the execution of any writ of habere facias possessionem, to him directed.

66. If the said sheriff, coroner, or elisor, shall die, resign, or be removed from or disqualified for office, or have his authority otherwise terminated after such sale, and before the writ in the nature of a writ of habere facias possessionem shall have been issued and executed, the court shall issue said writ to any succeeding sheriff, coroner, or elisor; and if any such officer, to whom said writ is directed, or who is charged with, or on whom may devolve the execution of such writ, shall die, resign, be removed from or disqualified for office, or have his authority otherwise terminated before such writ shall be finally executed