

the session of the court to which such process shall be returnable, a certificate, under his hand and seal of office, setting forth the receipt of such process, (which he shall describe in the manner in which it is written in the letter or cover which contained the same) the time when he received the same, the delivery thereof to the officer to whom it was directed, and the time of such delivery; which certificate he shall seal up and address to the clerk or register of the court to which the process is made returnable, and deposit in the nearest post office, to be conveyed to such clerk accordingly, endorsing his name thereon as herein before directed; and such certificate, in all proceedings relating to the sheriff, or other officer, to whom any such writ or process was directed, shall be competent and sufficient evidence to prove the delivery of such process to such officer.

4. AND BE IT ENACTED. That the expense of postage incurred by the said respective clerk and registers, and a reasonable compensation for their services in the performance of the duties required by this act, shall be allowed to them by the levy courts of their respective counties; and the letters and covers, relating to such writs or other process, and to such certificates, shall be produced to the levy courts, and be considered by them as the evidence of such expense, and of the services necessary to have been rendered in receiving, delivering and certifying, the process which may have been contained therein.

Expense of postage to be allowed by levy court

5. AND BE IT ENACTED. That every clerk or register who shall neglect or delay to perform the several duties hereby required, shall forfeit and pay a sum not exceeding fifty dollars for every refusal or neglect, to be recovered by bill of indictment in the proper court of the county in which he shall officiate, and to be applied to the use of this state.

Penalty for neglect

6. AND BE IT ENACTED. That if any sheriff, coroner, or other officer, to whom any such writ or other process shall be directed and so delivered, shall neglect or delay to serve the same, and to make a due return thereof to the court to which the same shall be returnable, on or before the second day of the session of such court, such neglect or delay shall be considered and adjudged a contempt of the court, and such sheriff, coroner, or other officer, shall for such contempt forfeit and pay a fine not exceeding fifty dollars; and such court shall cause due entry to be made on the record of their proceedings of the issuing, transmitting, and delivery, of any such writ or other process, and of the neglect or delay of such officer to make due return thereof, and of the adjudication of such neglect, as a contempt of the court, and of the fine imposed upon such officer in consequence thereof; and such court shall thereupon order a transcript of such entry to be transmitted to the justices of the county court of the county wherein such sheriff, coroner, or other officer, shall reside; and the justices of the same county court, to whom the said transcript shall be transmitted, or any one or more of them, shall forthwith cause such sheriff, coroner, or other officer, to appear before them, or otherwise to be brought before them by process of attachment, and require him to pay the said fine, or commit him to the prison of their county until the payment thereof, and of the fees lawfully accruing by such proceeding; and such fine shall be paid to the clerk of such court,

—On sheriffs and others, to neglect in not serving writ, &c