

CHAP. 72. the time it may be ordered to be paid to the plaintiff or other person at whose instance the said amerciamento is laid, then, and immediately thereafter, such plaintiff or other person at whose instance the said amerciamento is laid, or any person representing such person, may sue the securities of such sheriff, coroner or other public officer, their heirs, executors or administrators respectively, upon the office bond given by such sheriff, coroner or other public officer, and such securities, and their heirs, executors or administrators respectively, having assets, shall be liable upon such suits to pay and satisfy such amerciamento, or any part thereof which may remain unsatisfied by such sheriff, coroner or other public officer; provided always, that if the said sheriff, coroner, or other public officer or persons, so amerced, shall, at any time before the said amerciamento is made final as aforesaid, bring into and have in court the body of the person arrested or taken according to the return of the said first mentioned process or order, the said sheriff, coroner or other public officer, shall be released and discharged from the said amerciamento upon payment of the costs incurred, and the fine for contempt.

By 1818, ch. 193, s. 6, the provisions of the act of 1797, ch. 43, for the speedy recovery of monies levied or received by sheriffs and collectors, are extended to the court of chancery, and the county courts as courts of equity.

Penalty on sheriff
&c. for neglect,
&c

24. AND BE IT ENACTED, That if any sheriff, coroner or other public officer, to whose hands any writ, process or order, of the chancery court, shall come or be delivered, shall refuse, neglect or delay, to make return thereof, according to the tenor and day of return of such writ, process or order, the same not being countermanded, such sheriff, coroner or other public officer, shall be in contempt, and process of contempt shall, upon motion, be awarded and issued against him, and before he shall be discharged from such contempt, he shall pay to the register, as herein before provided, as a fine for the said contempt, a sum not exceeding ten pounds current money, to be imposed by the court, and the costs incurred by means thereof.

On judgment, &c.
chance for may
issue attachment
&c

25. AND, to the end that all judgments and decrees of the court of chancery, as well those which may pass upon bills or petitions taken *pro confesso*, as in all other cases, may be speedily and effectually executed and fulfilled, BE IT FURTHER ENACTED, That the plaintiff having obtained a judgment or decree(i) and having served the defendant therein named with an attested copy thereof under seal, upon affidavit made to the satisfaction of the court of such service, and the refusal, neglect or delay, of the defendant to obey, fulfil and perform, the same, or leaving an attested copy under seal of the said decree at the dwelling-house or last place of abode of the defendant, and upon affidavit thereof made to the satisfaction of the court, that the defendant could not or would not be found, so as to be personally served with such copy of the decree, or the plaintiff making it appear to the satisfaction of the court, by affidavit, that reasonable endeavours have been used to serve the defendant with an attested copy of the decree, and give him due notice thereof, but that the defendant could not or would

(i) By 1818, ch. 193, s. 4, it shall not be necessary to make any demand of a compliance with the decree (as the practice has been,) to entitle the party obtaining the decree to process thereon.