

CHAP. 72.

By 1819, ch. 144, s. 4, where the chancellor, &c. shall decree or order or direct any sum of money to be paid out of any fund or proceeds thereof, arising from any proceeding or decree in the court, any person who shall deem himself aggrieved, may within three months after such decree or order, file a petition, praying an appeal from the decree or order to the court of appeals, and the same shall be allowed, and thereupon a copy of the proceedings, or such part thereof as may be necessary to set forth and exhibit the true point in controversy shall be transmitted to the court of appeals, &c.

After injunction,
&c attachment
may be ordered,
&c

28. AND BE IT ENACTED, That in all cases of injunction hereafter to be issued by order of the chancellor to stay waste, if the person or persons against whom the said injunction shall be issued, and upon whom it shall be served, shall, at any time after the service thereof, do or commit, or with his, her or their privity, consent or direction, suffer or permit to be done or committed, any waste or destruction of or upon the premises, or any part thereof, contrary to the tenor and import of the said injunction, and the prohibition therein contained, upon affidavit, or other proof, of such waste or destruction made, and the chancellor, upon consideration of the case, and the circumstances of landed property in this country, shall be of the opinion that waste hath really been committed, he shall and may, upon motion, order attachment of contempt against the person or persons charged with disobeying and committing a breach of the said injunction; and the said person or persons so offending being in court upon the said attachment or otherwise, and not making it appear to the satisfaction of the court that no waste or destruction hath been done or committed as aforesaid, since the service of the injunction, shall and may, by order of the chancellor, if he shall see cause, and in his discretion, upon motion, stand committed, and be kept in close custody until the further order of the chancery court therein, and the chancellor shall and may, either before or after commitment, or attachment issued, as aforesaid, upon motion, issue a commission to five discreet and sensible persons, not interested in the dispute, or connected with either of the parties, and residing as near as may be to the place where such waste may be committed, directing and empowering them, or any three or more of them, upon their oaths, to inquire of the said waste, if any hath been done or committed, and of the damage done by such waste, and the value of the thing wasted or destroyed; and upon a return of the said commissioners, or any three or more of them, ascertaining the waste or destruction, and value of the same, the chancellor shall and may, upon motion, order the said person 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 *fieri 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,