

V. And be it further enacted by the Authority aforesaid, That the respective Sheriffs, their Under Sheriffs and Deputies, and in case of Sickness or Disability in the High Sheriff, all Justices of Peace, within their respective Divisions, shall give due Attendance to the executing such Writ of Partition, unless reasonable Cause be shewn to the Court upon Oath, and there allowed of, or otherwise be liable every of them to pay unto the Demandant such Costs and Damages as shall be awarded by the Court, not exceeding Five pounds, for which the Demandant or Plaintiff may bring his Action in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, Privilege or Wager of Law shall be allowed, nor any more than one Imparlanee; and in case the Demandant doth not agree to pay unto the Sheriffs or Under Sheriffs, Justices and Jurors, such Fees as they shall respectively demand for their Pains and Attendance in the Execution of the same, and returning thereof, then the Court shall award what each Person shall receive, having respect to the distance of the Place from their respective Habitations, and the Time they must necessarily spend about the same, for which they may severally bring their Actions, as aforesaid.

VI. Provided always, That this Act shall continue for Seven Years, and from thence to the end of the next Session of Parliament and no longer. *Made perpetual by 3 & 4 Anne cap. 18, sect. 2.*

I. After Process of *Pone* or Attachment returned on Writ of Partition, if the Tenant do not enter an Appearance within 15 Days, Court may proceed to examine the Demandant's Title, give Judgment by Default, and award a Writ to make Partition.

II. If Tenant or other shall in one year after Judgment entered, or in case of Infancy, &c. shew a good Matter in bar of such Partition, &c. the Court may set aside such Judgment. Person applying to pay Costs.

III. No Plea in Abatement to be admitted.

IV. Where High Sheriff cannot be present at the Execution of a Judgment in Partition, Under Sheriff in presence of two Justices may proceed thereupon. Tenants before the Division, to be Tenants under the same Conditions, &c. And Landlords to make good to their Tenants their said Parts, as before Partition made.

V. Sheriffs, Under Sheriffs, &c. to give due Attendance for executing Writs of Partition. Demandant not paying Sheriff, &c. his Fees, Court to award same.

VI. This Act to continue for 7 years.

"This statute appears to have been in force, and as proper to be continued, except those parts relating to the sheriffs. See 2 Harris' entries 714, writ of *pone*." Kilty Rep. 244. See note to 31 H. 8, c. 1.