

CHAP. 379. purpose, and such constable has died or may die, without having made any return of such writ, then and in every such case the plaintiff or plaintiffs in any such writ, or his or her or their representative or attorney at law, shall and may obtain a new writ from any justice of the peace of the said county, directed to any constable of the said county, and such constable may under such new writ, and he is hereby authorised and empowered to seize and take into his hands or possession the same property whether real or personal, which may have been taken by the constable so dying, and there shall be the same proceedings thereon as in other cases of fieri facias; *provided nevertheless*, that the poundage fees in such case, shall belong to the constable to whom such new writ shall issue, and not to the representatives of the deceased constable.

Proviso.

Constable again to arrest

SEC. 7. *And be it enacted*, That in case any constable in this State shall have taken, or may lawfully arrest or take in execution any person or persons, in virtue of any writ of attachment, warrant or capias ad satisfaciendum, and such constable hath died or may die before returning any such writ, it shall and may be lawful for any constable in the said county, on the application of the plaintiff in any such writ, or of his counsel, and on producing to such constable as aforesaid the writ under which the person or persons shall have been arrested or taken in execution as aforesaid, under and in virtue of any such writ, such constable shall be authorised, and he is hereby required again to arrest or take in execution, under and in virtue of any such writ, the person or persons who may have been arrested or taken in execution as aforesaid, in the same manner as if such person or persons had not been before arrested or taken in execution, under any such writ; and in case the return day in any such writ shall have passed before being placed in the hands of such constable, he shall produce it to any justice of the peace of the county, and obtain from the said justice a new writ or duplicate thereof, and shall proceed thereunder as if the writ had been originally directed and delivered to him, and in case of levies made by constables on fieri facias or attachment, and the constable shall die before or without making return of said execution or attachment, the said levies shall be considered liens from the time the said levies were made by the constable who may have died as aforesaid, and in case the property contained in any venditioni exponas, in the hands of any deceased constables, may have perished or been dis-