

CHAP. 228. negligence in executing the requirements of this act, then the said sheriff or coroner together with their sureties shall be bound and held liable for whatever of injury or damage that shall or may be done in the premises in consequence of such refusal or negligence as aforesaid.

SEC. 4. *Be it further enacted,* That any individual, association of individuals or body corporate engaged as aforesaid, against whom said petition or petitions shall or may be filed and preferred by persons in his or their employ as aforesaid, or by the furnisher or furnishers of any ore, clay, coal or other raw material as aforesaid, shall be and are hereby privileged and entitled to file an answer thereto, if he or they shall deny or controvert any of the facts necessary to be set forth in said petition or petitions, and the issue thus made up between the party or parties to the said petition or petitions, and the party or parties against whom the same shall or may be preferred, shall be tried by the court of the county or by any judge in vacation as aforesaid, who shall after a full hearing of all the facts and circumstances thereupon determine whether or not a receiver or receivers should be appointed for the object and purposes hereinbefore mentioned; *provided always,* that the trial and disposal of the issue between the parties aforesaid shall not be delayed or postponed by any demurrer, plea in abatement or other method of delaying and postponing suits at law or in equity, but the same shall be determined and disposed of at the same term of the court, at which the said petition or petitions shall or may be presented and filed, if the court shall be then in session, and if the court shall not be in session at the time, then the same shall be tried and finally disposed of at the next term of the said court which shall or may be held subsequent to the said application being made to a judge in vacation for the appointment of a receiver or receivers as herein provided and required.

SEC. 5. *Be it further enacted,* That the said receiver or receivers hereby authorised to be appointed as aforesaid, shall before entering upon the discharge of his or their duties, give bond and security for the faithful performance thereof, the said bond and security with the amount thereof to be fixed and approved by the court or judge as aforesaid to whom the application for his or their appointment shall be made, and the said receiver or receivers together with their sureties, shall be bound and held liable for any and every default, negligence or malfeasance in his or their office aforesaid.

May file answer to petition.

Proviso.

Receiver to give bond.