

4. All amerciaments shall be levied by the sheriffs by way of execution.—*Ibid.*

5. No defendant shall be liable to amerciament, against whom judgment shall be rendered the first court.—*Ibid.* § 2.

6. Any sheriff or coroner, being called upon, by the order of the provincial or county court, to bring in any defendant or defendants, before arrested, according to the said sheriff's or coroner's return of, or upon any writ, and shall fail or omit so to do, and therefore shall be amerced, or have his default entered; the justices on motion may order judgment to be entered up against such sheriff or coroner, for the sum amerced, or for the sum and costs recovered against the person or persons taken on execution.—1768, c. 10. § 1.

7. But before the said judgments shall become absolute, for the sum amerced, or for the sum and costs recovered against the person or persons taken on execution, against the said sheriff or coroner, the plaintiff or plaintiffs, his, her, or their executors or administrators shall make appear, to the satisfaction of the justices, a demand by him, her or them, or by attorney at law, made of or from the sheriff or coroner, of the sum amerced, or of the sum and costs recovered against the person or persons taken on execution, and also the refusal or neglect of the sheriff or coroner to pay the same; and also that the plaintiff or plaintiffs, his, her or their executors or administrators, or attorney, in the case of such amerciament, upon the return of any writ, being mesne process offered or tendered to the sheriff or coroner, an assignment of the cause of action, when the cause of action shall arise on contract, whereupon the original writ issued.—*Ibid.* § 2.

8. The sheriff or coroner who shall be amerced as aforesaid, and unto whom such cause of action shall be assigned, and satisfying the original plaintiff or plaintiffs, &c. may bring suit for the recovery of the same by virtue of such assignment, and the defendant or defendants, his, her or their heirs, executors or administrators, shall have the same full advantage and benefit of defence on such suit, as he, she or they, might have upon a suit prosecuted in the name of the original plaintiff or plaintiffs.—*Ibid.* § 3.

9. Every amerciament in the general or county court, shall be paid by the sheriff collecting the same, to the treasurer of his shire for the use of this state.—*Feb.* 1777, c. 6. § 2.

10. In case any sheriff or coroner shall be called upon by the justices of any court to bring before them any person or persons before arrested by such sheriff or coroner, according to his return of or upon any writ, being either mesne process or of execution, in any criminal proceeding, or upon any recognizance, and shall fail neglect or omit, to bring into court