

cellor, upon consideration of the case, and the circumstances of landed property in this country, shall be of opinion that waste hath really been committed, he shall 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, 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, upon motion, issue a commission to 5 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, and of the damage done by such waste, and the value thereof; and upon a return of the said commissioners, or any three or more of them, ascertaining the waste, and value of the same, the chancellor shall, upon motion, order the said person or persons so having committed the said waste, 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 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, 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, contrary to the said injunction, the same proceeding and remedy shall and may be had against the person or persons having 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, favour, partiality or prejudice, which oath shall be returned with such commission; and each commissioner shall be allowed 15s. current money per day for every day's actual service upon such commission, to be paid by the party against whom the complaint for committing waste is made, in case it is found by the commissioners, that any waste shall have been committed, and if no waste shall be found to have been committed, then be paid by the party making complaint, and payment of the said allowance to the commissioners, may be compelled by order of the chancellor, and process for disobedience to such order as in other cases.—*ibid.* § 30.

26. The chancellor shall appoint a messenger to attend the chancery court, and to serve, execute, and carry into effect such process, orders
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