

C H A P.  
LXXII.

any person representing such person, may sue the securities of such sheriff, coroner or other public officer, their heirs, executors or administrators respectively, upon the office bond given by such sheriff, coroner or other public officer, and such securities, and their heirs, executors or administrators respectively, having assets, shall be liable upon such suits to pay and satisfy such amercement, or any part thereof which may remain unsatisfied by such sheriff, coroner or other public officer, provided always, that if the said sheriff, coroner, or other public officer or person, so amerced, shall at any time before the said amercement is made final as aforesaid, bring into and have in court the body of the person arrested or taken according to the return of the said first mentioned process or order, the said sheriff, coroner or other public officer, shall be released and discharged from the said amercement upon payment of the costs incurred, and the fine for contempt.

Penalty on sheriff, &c. for neglect, &c.

XXIV. AND BE IT ENACTED, That if any sheriff, coroner or other public officer, to whose hands any writ, process or order, of the chancery court, shall come or be delivered, shall refuse, neglect or delay, to make return thereof, according to the tenor and day of return of such writ, process or order, the same not being countermanded, such sheriff, coroner or other public officer, shall be in contempt, and process of contempt shall, upon motion, be awarded and issued against him, and before he shall be discharged from such contempt, he shall pay to the register, as herein before provided, as a fine for the said contempt, a sum not exceeding ten pounds current money, to be imposed by the court, and the costs incurred by means thereof.

On judgment, &c. chancellor may issue attachment, &c.

XXV. AND, to the end that all judgments and decrees of the court of chancery, as well those which may pass upon bills or petitions taken *pro confesso*, as in all other cases, may be speedily and effectually executed and fulfilled, BE IT FURTHER ENACTED, That the plaintiff having obtained a judgment or decree, and having served the defendant therein named with an attested copy thereof under seal, upon affidavit made to the satisfaction of the court of such service, and the refusal, neglect or delay, of the defendant to obey, fulfil and perform, the same, or leaving an attested copy under seal of the said decree at the dwelling-house or last place of abode of the defendant, and upon affidavit thereof made to the satisfaction of the court, that the defendant could not or would not be found, so as to be personally served with such copy of the decree, or the plaintiff making it appear to the satisfaction of the court, by affidavit, that reasonable endeavours have been used to serve the defendant with an attested copy of the decree, and give him due notice thereof, but that the defendant could not or would not be found so as to be served personally with the same, it shall and may be lawful for the chancellor to issue attachment of contempt, attachment with proclamations, and also sequestration, against the defendant, until the decree shall be fully performed, fulfilled and executed, and the contempts cleared, or to order process of sequestration to issue to compel a performance of the said decree, an immediate sequestration of the real and personal estate and effects of the defendant, or such part thereof as may be sufficient to satisfy the demand of the plaintiff in the decree specified and decreed, and to clear the contempts, or to issue *feri facias* against the lands, tenements and hereditaments, goods and chattels, of the defendant or defendants, upon which sufficient property shall be taken and sold to satisfy the demand of the plaintiff in the decree specified, or a *capias ad satisfaciendum* may be issued against the defendant or defendants by the chancellor, upon which there shall be the same proceeding as at law, or the chancellor may cause by injunction the possession of the estate and effects demanded by the bill or petition, and whereof the possession or a sale is decreed, to be delivered to the plaintiff, or otherwise, according to the tenor and import of such decree, and as the nature of the case may require, and in case of sequestration, the court shall and may order payment and satisfaction to be made out of the estate and effects so sequestered, according to the true intent and meaning of the decree; and in case any defendant shall be arrested and brought into court upon any process of contempt issued to compel the performance of any decree of the chancery court, it shall and may be lawful for the said court, upon motion, to order such defendant to stand committed, or may order his estate and effects to be sequestered, and payment made as above directed, or possession of his estate and effects to be delivered, by injunction, as above directed, until such decree or order shall be fully performed and executed according to the tenor and true meaning thereof, and the contempts cleared; that upon any demurrer or plea being over-ruled upon argument, or otherwise being withdrawn without leave of the chancery court, the party whose demurrer or plea is so over-ruled or withdrawn shall pay to the opposite party the sum of five pounds current money, and the costs thereof, and be in contempt until the said sum of money and costs are fully discharged and paid.

Certain process to be omitted.

XXVI. AND BE IT ENACTED, That in all cases in chancery, the process of commission of rebellion, and sergeant at arms, shall be omitted as unnecessary.

XXVII. AND