

XXVII. AND BE IT ENACTED, That all appeals from the decisions, orders and decrees, of the chancery court, in cases where appeals properly lie, shall be made and entered in the said court within nine months from the time of making such decisions, orders and decrees, and not afterwards.

C H A P.
LXXII.
Appeals, when
to be made.

XXVIII. AND BE IT ENACTED, That in all cases of injunction hereafter to be issued by order of the chancellor to stay waste, if the person or persons against whom the said injunction shall be issued, and upon whom it shall be served, shall, at any time after the service thereof, do or commit, or with his, her or their privity, consent or direction, suffer or permit to be done or committed, any waste or destruction of or upon the premises, or any part thereof, contrary to the tenor and import of the said injunction, and the prohibition therein contained, upon affidavit, or other proof, of such waste or destruction made, and the chancellor, upon consideration of the case, and the circumstances of land- ed property in this country, shall be of the opinion that waste hath really been committed, he shall and may, 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 as aforesaid, 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, as aforesaid, upon motion, issue a commission to five 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 or committed, and of the damage done by such waste, and the value of the thing wasted or destroyed; and upon a return of the said commissioners, or any three or more of them, ascertaining the waste or destruction, and value of the same, the chancellor shall and may, upon motion, order the said person or persons so having committed the said waste or destruction, 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 and satisfied to the person or persons suing forth such injunction, and the fine for the contempt, or the chancellor may issue *feri facias*, or *capias ad satisfaciendum*, as aforesaid, 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 or committed, contrary to the said injunction, the same proceeding and remedy shall and may be had against the person or persons having done or 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 fifteen shillings 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 as aforesaid that any waste or destruction shall have been committed; and if no waste or destruction shall be found to have been committed, then to be paid by the party making complaint, and payment of the said allowance to the commissioners as aforesaid may be compelled by order of the chancellor, and process for disobedience to such order as in other cases.

After injuncti-
on, &c, attach-
ment may be
ordered, &c.

XXIX. AND BE IT ENACTED, That in case any mortgage hath been made, and the person making the same, or his heir, devisee or alienee, shall be a British subject, and the person having a right to the mortgaged premises as security for money, tobacco, or any other valuable thing, is a citizen of this, or any of the United States, and the day of payment is elapsed, it shall and may be lawful for such person claiming the mortgaged premises aforesaid to file his bill for foreclosure of such mortgage, and to serve the attorney-general with notice of such bill, who shall thereupon appear, plead, or answer and defend, on behalf of this state, and there shall be the same proceedings and decree as in other cases of bills for foreclosing mortgages.

On mortgage,
&c. bill may be
filed, &c.

XXX. AND BE IT ENACTED, That if any mortgager of real property within this state to a citizen of this state, or any person claiming under such mortgager, shall reside out of this state and within any other of the United States, the complainant may file his bill for foreclosing such mortgage in the high court of chancery, and upon service of notice thereof on the defendant, or inserting the same in the public news-papers of the state where such defendant resides, after such bill is filed, for twelve weeks successively, and making proof before some judge or justice of the general or supreme court of such state that such notice has been given personally, or by advertisement as aforesaid, and

Mortgager, &c.
may file his
bill, &c.