

C H A P.
LXVIII.

ment, and to issue execution against the said constable on default of producing the body of the defendant, in the manner before directed; and provided also, that before any execution shall be issued against the said constable, the plaintiff, or his agent or attorney, shall make it appear to the satisfaction of the said justice, that he has made or tendered to the said constable an assignment of his cause of action against the defendant.

Sheriffs may be
fined, &c.

XII. AND BE IT ENACTED, That in case any sheriff shall neglect to make due return of any execution directed to him by virtue of this act, it shall be lawful for the justice who issued the said execution, on proof as aforesaid of the delivery of the writ of execution to the said sheriff, or either of his deputies, to fine such sheriff for every such neglect any sum not exceeding ten shillings current money; and in case any sheriff shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice, before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of the said execution, to enter judgment for the plaintiff against the said sheriff for the amount of the debt and costs, on which judgment execution may be issued, directed to the coroners of the county, or either of them, who are hereby required to execute the same; provided, that such judgment shall not be entered until proof shall be made, on oath, or affirmation, as aforesaid, that the debt and costs have been demanded by the plaintiff, his agent or attorney, of the said sheriff, and that he hath refused or neglected to pay the same.

And may have
remedy against
defendant, &c.

XIII. AND BE IT ENACTED, That if any sheriff, against whom judgment shall be entered as aforesaid, shall satisfy the plaintiff the amount of his debt and costs, he shall have the same remedy against the defendant on the plaintiff's judgment against him, as the plaintiff himself might originally have had.

Justice may if-
sue execution
for fines, &c.

XIV. AND BE IT ENACTED, That any justice, imposing any fine by virtue of this act, may issue execution for the same, in the nature of *capias ad satisfaciendum* or *feri facias*, directed to the sheriff, or coroner, as the case may require, and the same shall be applied towards defraying the county charges.

Oath of con-
stable.

XV. AND BE IT ENACTED, That all constables hereafter to be appointed, instead of the oath of office now directed by law to be taken, shall take the following: "I, A. B. do swear, that I will faithfully and honestly serve in the office of constable for — hundred, in — county, and will well and truly, according to my power, skill and knowledge, perform and execute the duties belonging to the office of constable so long as I shall continue in such office; so help me God."

Upon arrest,
constable may
take bond, &c.

XVI. AND BE IT ENACTED, That upon every arrest made by any constable on any warrant issued in virtue of this act, it shall be lawful for the constable making the arrest to take bond from the person arrested, in a sum not exceeding fifteen pounds, conditioned for his appearance before a justice of the peace of the same county, to be named in the said condition, on the return day of the warrant, to answer the suit of the plaintiff, and in case of refusal to give such bond, with sufficient security, such constable may lodge such person in the common gaol of the county, to be safely kept by the sheriff until the return day of the said warrant.

Several acts re-
pealed, &c.
* Chapter 12.

† Chapter 21.

** Chapter 12.

†† Chapter 16.

XVII. AND BE IT ENACTED, That an act of assembly passed at April session, in the year one thousand seven hundred and fifteen, * entitled, An act for the speedy recovery of small debts out of court before a single justice of the peace, and an act passed at October session, in the year seventeen hundred and sixty-three, † entitled, An act for the speedy recovery of small debts out of court before one justice of the peace, and the act or acts continuing the same, and an act passed in June, in the year of our Lord one thousand seven hundred and seventy-seven, ** entitled, An act for the speedy recovery of small debts out of court, and the act or acts continuing the same, and a further act passed April session, seventeen hundred and eighty-seven, †† entitled, A supplement to the act for the speedy recovery of small debts out of court, and the act or acts continuing the same, be and they are hereby abrogated, repealed and made void.

Duration.

XVIII. This act to continue for six years, and until the end of the next session of assembly thereafter.

Continued by 1798, ch. 71, to 30th October, 1805, &c.

C H A P.