

C H A P.
LIV.

and shall and may enter judgment, *nisi* the second day of the next term thereafter, for the amount of the amercement aforesaid, in the name of the plaintiff or plaintiffs, and for his or their use, against such sheriff or coroner, which judgment shall be as valid and effectual as any judgment rendered upon any verdict of a jury.

And shall be entitled to the original cause of action, &c.

III. **And be it enacted,** That in all cases where any sheriff or coroner shall pay and satisfy to the plaintiff or plaintiffs any judgment rendered against him in virtue of this act as aforesaid, or any judgment rendered against him for a default upon any execution, such sheriff or coroner shall thereupon immediately become entitled to the original cause of action, or judgment, as the case may be, as fully as the plaintiff or plaintiffs themselves was or were, and may issue any execution in his own name, or in the name of the original plaintiff or plaintiffs, upon such judgment, for his own use, or prosecute such action to judgment and execution for his own use, and shall be entitled to every other benefit and advantage from such judgment, or cause of action, and suit thereon depending, that the original plaintiff or plaintiffs might or could have had therefrom.

On motion, court may make an order, &c.

IV. **And be it enacted,** That upon motion made to either of the said courts for an order upon the sheriff or coroner to make return of any writ of execution, or any original writ, as aforesaid, the said court shall and they are hereby directed to make such order of course, unless such sheriff or coroner shall, upon oath or otherwise, satisfy the said court that the said writ was not received by him, or to the best of his knowledge by any of his deputies.

Clerk may direct a writ to an elisor, &c.

V. **And be it enacted,** That the clerk of the general court, or of any county court, on application for any original writ within the jurisdiction of such court, or for any writ of execution on any judgment rendered in such court, shall and may direct the same to an elisor, to be appointed by one judge or justice of the court, which appointment shall be made by the judge or justice in writing, and filed with the clerk, before the issuing of such writ, and no such appointment shall be made by any judge or justice unless he shall be satisfied, by affidavit, that the sheriff or coroner of the county cannot safely be trusted with the execution thereof.

Who shall have power, &c.

VI. **And be it enacted,** That such elisor, in the execution of such process, shall have such power and authority as any sheriff might have lawfully exercised in such cases, and shall be entitled to the same fees, and subject to the same remedies, as in like cases might be received by, or had against, any sheriff or coroner; and if any elisor shall refuse to execute such process, or shall die, or otherwise become incapable of executing the same, it shall and may be lawful, upon application of the plaintiff, his or her agent or attorney, for such judge or justice to certify the same to the clerk who issued the said writ, and to nominate and appoint some other elisor, to whom the said clerk is hereby authorized and required to direct the same writ, who shall thereupon have all the powers and authorities, and in all respects stand in the same situation, as if he had been originally named in, and the said writ had been originally directed to him.

Attachment may be awarded in certain suits, &c.

VII. **And be it enacted,** That in case any person of full age, residing out of this state, is or shall be entitled to any lands or tenements lying in this state by hereditary descent, or by devise, and the person from whom such lands descended, or by whom the same were devised, was in his lifetime indebted to any person or persons whatsoever, it shall and may be lawful for the court in which any suit against such heir or heirs at law, or devisee, may be instituted, to award attachment against the lands and tenements of such heir or heirs, devisee or devisees, holden by descent or devise from the person or persons so indebted, in the same manner as attachments are prosecuted against other persons residing out of the state, any act of assembly to the contrary notwithstanding.

Sheriffs bonds to be taken, &c.

VIII. **And be it enacted,** That the sheriffs bonds shall hereafter be taken on some day between the eighth day of October and the first day of January in each year, in the respective county courts, or out of court before the chief justice, or