

and shall issue any writ of *fieri facias* upon such judgment into the County where such Sheriff may reside, and a return of *nulla bona* as to the whole or any part of the amount of such judgment shall be made upon such writ of *fieri facias*, such person may forthwith, upon such return being made, apply to the said Supreme Court or any Judge thereof, and such Court or Judge shall thereupon grant an order for such bond to be put in suit by such person, and such person may thereupon bring an action of debt upon such bond in the Supreme Court in his own name, and a copy of such bond, certified under the Seal of the said Court, shall in all cases be good evidence thereof without the production of the original; provided that no action shall be brought upon any such bond unless the suit in which such judgment shall have been obtained against such Sheriff, for a cause of action accruing during the year for which such bond was given, shall have been commenced before the expiration of one year after the end of the year for which such bond was given; nor shall any such action on such bond be brought after the expiration of one year from the day of the signing of such judgment recovered against such Sheriff; and provided also, that no order for putting such bond in suit shall be made, unless the requisite facts shall be made to appear by affidavit to the satisfaction of the Court or Judge.

Amount recoverable upon the Bonds defined.

V. And be it enacted, That the person by whom such action of debt upon such bond shall be brought, may recover in such action the amount of the judgment recovered against the Sheriff, with the costs of suit, provided that the amount of such judgment does not exceed the penalty of the bond, and the amount of debt recovered in any action on such bond shall be deemed a satisfaction of the bond *pro tanto*; and in case of a subsequent order being obtained for putting the bond in suit at the instance of any other party, there shall be recovered in such subsequent action no more than the residue of the penalty which may remain after such part satisfaction of the bond in such former action, together with costs of suit, and so on *toties quoties*; and the aggregate of the debt recovered in all actions upon any such bond shall never exceed the penalty of the bond; and in case any action shall be brought upon any such bond, wherein there shall be nothing recovered, the defendant shall have judgment with costs of suit.

Appointment of Deputy Sheriffs.

VI. And be it enacted, That any Sheriff may appoint one or more fit and proper persons to act as Deputy Sheriffs under him, and any person so appointed Deputy Sheriff shall give to the said Sheriff security for the faithful performance of his duty; and the said Sheriff shall immediately after such appointment publish the name of any person whom he may so appoint as a Deputy Sheriff in one of the public newspapers of the County, and if none be published therein, then in the Royal Gazette of this Province, which publication may be proved by the production of the said Gazette or newspaper in which the said notice shall have been published, and the same shall be sufficient evidence of such person being such Deputy Sheriff; and no person shall be authorized to act as Deputy Sheriff until he shall have given security, and his name shall have been published in the manner aforesaid; provided always, that nothing in this section contained shall apply to any person deputed by any Sheriff to do particular acts only.

Sheriffs permitted to reside out of the Shire Town to keep an office and Deputy there.

VII. And be it enacted, That in all cases where the High Sheriff of the County is or shall be permitted to reside out of the Shire Town of the County, it shall be the duty of such Sheriff, and he is hereby required, not only to keep a Deputy or Under Sheriff resident in the Shire Town of the County, but also an office as near as conveniently may be to the Court House, which office such Sheriff is hereby required to keep open at all reasonable times for the transaction of business.

Retaining money levied or received.

VIII. And be it enacted, That if any Sheriff or his Deputy shall levy or receive any sum of money by virtue of any execution, writ or process, and shall retain the same in his hands for the space of one month after the same shall have been demanded by the person authorized to receive the same, that then such Sheriff shall forfeit to the party entitled to receive such sum of money, for any time that he or his Deputy may retain the same, at the rate of one shilling per pound for every month that the same shall be so detained after the expiration of one month after demand, made as aforesaid, to be recovered by action of debt at the suit of the party entitled to receive the same, in the Supreme Court of this Province, or in the Inferior Court of Common Pleas for the County where such offence shall have been committed; provided such action shall be brought within three months next after such demand made, and not otherwise.

Forfeiture.

Recovery.

Fees for service of writs or process to be charged by Sheriffs and Deputies only.

IX. And be it enacted, That no person (save and except the High Sheriffs respectively, and their respective Deputies) shall charge or be allowed to receive any fee or reward whatsoever for the services of any writ or process issued from the Supreme Court or any of the Inferior Courts of Common Pleas in this Pro-