

one month after his being appointed, another person shall be appointed in his stead for the then current year, to end on and with the first Tuesday in April then next ensuing.

Bonds to be sent to the Clerk of the Pleas.

V. And be it enacted, That every such bond when perfected in manner before mentioned, shall be transmitted by the Secretary of the Province to the office of the Clerk of the Pleas of the Supreme Court, and shall be filed by him, and remain on file with the papers and records of the said Court.

On a return of *nulla bona* on a writ of *fieri facias* against a Sheriff, bond may be put in suit.

VI. And be it enacted, That if any person or persons shall recover a judgment against any Sheriff in any Court of Record in this Province, for any monies due to or damages sustained by him or them for or by reason of any act, doing, misdoing or neglect of such Sheriff, or any of his deputies, in the discharge of the duties of his office during the year for which any such bond may be given, 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 or persons 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 or persons; and such person or persons may thereupon bring an action of debt upon such bond in the Supreme Court in his or their own name: Provided always, 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: Provided also, that no order for the 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.

Proviso:

Certified copy of bond to be good evidence.

VII. And be it enacted, That a copy of any such bond, certified under the seal of the Supreme Court, shall in all cases be good evidence thereof without the production of the original.

Amounts recoverable upon the bonds defined.

VIII. And be it enacted, That the person or persons 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 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 debts 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 or defendants shall have judgment with costs of suit.

Retaining money after demand.

IX. And be it enacted, That if any Sheriff or his deputy shall levy or receive any sum or sums 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 or persons authorised and empowered to receive the same, that then such Sheriff shall forfeit to the party entitled to receive such

Forfeiture.

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