

ARTICLE LXXXVIII.

Sheriffs.

SERVING PROCESS.

1. Returns: rule on sheriff: judgment against him: proviso.

SERVING PROCESS.

1868, c. 203 adds the following section to this article:

1868, c. 203
Returns.

Rule on sheriff.

Judgment
against sheriff.

Proviso.

SEC. 1. If any sheriff shall make return to the court of any *feri facias*, attachments, *venditioni exponias*, that he has seized the property of the defendant which remains unsold, or that the property heretofore levied upon remains in his hands unsold for want of buyers, or that the defendant has satisfied the plaintiff or his attorney, the debt or claim or any part thereof mentioned in the said process, the said plaintiff or his attorney may apply to the said court for a rule on the said sheriff or late sheriff as the case may be, to bring the said money into court or before a judge thereof on a day to be named in the said rule, or show good cause to the contrary, and upon the failure of the said sheriff or late sheriff to bring said money into court, or before the said judge at the time mentioned in the said rule or any other day to be named by the said judge the amount of the debt, damages, interest and costs to be ascertained by the plaintiff or attorney, or such other proof as the judge may require, the said court or judge in the recess may cause judgment to be entered by the clerk against the said sheriff for the plaintiff's claim, interest and costs in favor of the plaintiff without stay of execution, and without the right of the defendant to supercede or appeal from the same; *provided*, that the said court or judge thereof shall be satisfied that the said sheriff has received the said debt, interest and costs or any part thereof from the defendant in the said pro-