

office at the end of six months from the date thereof; and the clerks of said courts are further authorized, upon the return of such execution, to renew or make out an *alias* execution for the whole, or the remainder, as the case may be, returnable at the next superiour court to be held in and for such county.

And whereas, it has been thought warrantable for the sheriff or coroner that have, by v[er]tue of executions to them committed, after they have taken the whole or part of the debt, to detain the same from the creditor until the return of the execution; for remedy whereof,—

Be it further enacted by the authority aforesaid,

[SECT. 2.] That when and so often as any sheriff or coroner shall have levied or taken the whole or part of the debt, by virtue of the execution, he shall within twelve hours after the receipt of said money, deliver the same to the plaintiff, creditor or any person authorized by him, upon demand being made thereof in the town where the officer dwells; and in case the demand is made in another town in said county, then he shall be allowed forty-eight hours to pay the same; and upon his neglect or refusal as aforesaid, shall forfeit to the creditor, treble the lawful interest of the sum so taken and detained by the sheriff or coroner, being convicted thereof, before the court where the writ of execution is returnable. [*Passed February 4; published February 6, 1736-37.*]

Money levied by execution not to be detained in the officer's hands.

Penalty for detaining it when demanded.

CHAPTER 20.

AN ACT OBLIGING THE CORONERS WITHIN THE SEVERAL COUNTIES OF THIS PROVINCE TO GIVE SECURITY FOR THE DUE PERFORMANCE OF THEIR OFFICE.

WHEREAS by virtue of several acts or laws of this province, the coroners of the counties are enabled in some cases, to serve and execute writs in civil actions, as well original as judicial, but are not obliged to give bond for the faithful discharge of that trust, whereby the creditor or plaintiff in such process may be in danger of suffering damage,—

Be it therefore enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That from and after the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and thirty-seven, no coroner shall have authority to serve any process or writ, original or judicial, tho' to him directed, until such time as such coroner shall have given sufficient security for his faithful behaviour, in the serving and executing all such writs as aforesaid, as shall be committed to him, pursuant to the laws of this province, to the satisfaction of the general sessions of the peace in the county where such coroner lives; the bond to be made payable to the treasurer of such county, for the use and benefit of the person or persons that may be injured by the failure of the coroner in that behalf.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the several coroners within this province shall be answerable in the law for their respective deputies, in the same manner that the sheriffs within this province are answerable by law for their respective undersheriffs and deputies, with respect to the due execution of their office. [*Passed February 4; published February 6, 1736-37.*]

Preamble.

1700-1, chap. 3.
1717-18, chap. 4.
1725-26, chap. 8.
1736-37, chap. 19.

Coroners to give bond before they serve writs.
4 Mass., 70.

Coroners answerable for their deputies.