

the word "collecting" be inserted in the first clause, so as to make it read, "that such constable shall be entitled to receive for collecting the same?" Determined in the negative.

On motion by Mr. B. S. Forrest, the question was put, That the whole bill be stricken out from the words "the General Assembly of Maryland," for the purpose of inserting the following:

"That when any sheriff shall execute any process under the order of any justice of the peace, he shall receive the same fees to which constables are entitled for like services and no more?" Determined in the negative.

On motion by Mr. Dorsey, that the following be added to the bill, to wit: "Provided, That if the defendant shall supersede the judgment on which the execution shall have issued within four days after the same shall be served, that then the constable shall be entitled to receive only one third of said fees."

On motion by Mr. B. S. Forrest, the question was put, That the following be added to said amendment? "And provided also, That the debtor shall not be committed to jail until the said four days shall have expired?" Determined in the negative.

The question was then put on the amendment proposed by Mr. Dorsey? The yeas and nays being required, appeared as follow:

## AFFIRMATIVE.

Messrs Speaker, Dorsey, Millard, Llewellyn, Maddox, Cannell, Hall, Marriott, Brown, Stewart, Woodward, Weems, Edelin, Garner, Orrick, Snowden, King, Waters, Griffith, Travers, Williams, J. Forrest, Culver, Carroll, Hughes, Meconekin, Nicholson, Stevens, Moffett, A. Spence, Purnell, Riley, H. Kemp, Pigman, Culler, Allen, Bowles, Gabby, Kershner, Wever, B. S. Forrest, Riggs, Duvall, Sprigg, Hoffman, Greenwell, Wiatt.—17.

## NEGATIVE.

Messrs Harris, Dalrymple, Sollars, Smith, Loockerman, Martin, T. Kemp, Dennis, Ballard, Maffitt, Craig, Forwood, Norris, Whiteford, Hardcastle, Saulsbury, Kennedy, Barney.—18.  
Resolved in the affirmative.

On motion by Mr. Pigman, the question was put that the following be added to the amendment.

"AND PROVIDED, That not more than two thirds of the seven and a half per cent commission on the first twenty six dollars and sixty six and two third cents, and two thirds of the three per cent on the residue, shall be received by any constable on any sum of money on any fieri facias or execution issued upon a superedeas upon which they have once received a commission under this act."

The yeas and nays being required, appeared as follow:

## AFFIRMATIVE.

Messrs. Speaker, Dorsey, Millard, Maddox, Brown, Orrick, Snowden, King, Griffith, Travers, Meconekin, Stevens, H. Kemp, Pigman, Culler, Allen, Gabby, B. S. Forrest, Duvall.—19.

## NEGATIVE.

Messrs. Harris, Marriott, Stewart, Woodward, Dalrymple, Sollars, Smith, Weems, Garner, Loockerman, Martin, T. Kemp, Dennis, Ballard, Waters, Williams, Maffitt, Semmes, J. Forrest, Culver, Nicholson, Moffett, A. Spence, Purnell, Bruce, Forwood, Norris, Whiteford, Hardcastle, Saulsbury, Kennedy, Barney, Bowles, Kershner, Wever, Greenwell.—36.

Determined in the negative.

On motion by Mr. B. S. Forrest, that the following be added to the said bill:

"And be it enacted, That no warrant or process for the recovery of small debts issued by a justice of the peace, shall be served upon the defendant out of the hundred in which he resides."

"And be it enacted, That no warrant, or execution, upon any judgement rendered by a justice of the peace, shall issue, except upon the application of the plaintiff in person or writing, directed to a justice of the peace."

A division of the question was called for by Mr. Dennis, and put on the first clause. Determined in the negative.

The question was then put on the last clause. Determined in the negative.

On motion by Mr. Kennedy, that the following be added to the said bill:

"And be it enacted, That every constable who levies a writ of fieri facias, or execution, and makes return thereof, shall be entitled to receive for the same, forty cents, and for serving execution of capias ad satisfaciendum, and return, the like sum of forty cents.

"And be it enacted, That in every case of distress for rent, the constable levying the same, shall be entitled to the same costs and charges or commissions as he was entitled to before the passage of the act to which this is a supplement, and that all clauses or sections of the said act making an alteration in the said costs, charges, or commissions, be, and the same are hereby repealed."

A division of the question was called for by Mr. Dorsey, and put on the 1st section. Determined in the negative.

The question was then put on the 2d section. Determined in the negative.

The question was then put shall the said bill pass? Resolved in the affirmative.

The clerk of the senate delivers the following message:

BY THE SENATE, JANUARY 2, 1832.

Gentlemen of the House of Delegates.

We have appointed Messrs. Quinton, Johnson, Kent, Price and Wootton, a committee on the part of the senate, to join the gentlemen named by your house, to form a committee of both houses, for the purpose of comparing and examining the engrossed bills.

By order,

WM. KILTY, Clerk.

The speaker laid before the house a communication from the treasurer, in compliance with the order of yesterday; which was read.