

On motion by Mr. Edward Hughes, the house proceeded to consider the bill reported by him, entitled, An act directing the manner of settling disputes relative to officers fees, and for other purposes.

And in the progress of the second reading thereof,

On motion by Mr. Speed, the question was taken and determined in the negative, That the first section of the bill be stricken out, viz.

“Section 1. Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall not be lawful for any sheriff to proceed to collect any fees placed in his hands after the passage of this act, unless an affidavit or affirmation made before some judge or justice of the peace of this state, is attached to each and every list of fees so placed in his hands, in such manner as to embrace each and every account therein charged, stating that the same are just and true as they stand stated, and that the services charged for, have in each and every case been rendered.”

On motion by Mr. Peach, the question was then taken and resolved in the affirmative, That the second section be stricken out, viz.

Sec. 2. And be it enacted, That whenever a demand is made by any sheriff for the payment of any fees placed in his hands for collection, or whenever any attempt is made by any sheriff to enforce the collection of any such fees, if the person charged with fees is of opinion that the charge or charges, or any part of them are incorrect, or if he has an account in bar, he may refuse to pay the same, whereupon it shall be the duty of the sheriff forthwith to have the person so refusing, before some justice of the peace of the county most convenient, who may proceed to examine the account or accounts, and decide thereon, unless in his opinion, further time ought to be given, in order that justice may be done, in which case he may give further time, not exceeding twenty days; and it shall be the duty of the sheriff, where the officer sending out the fees, resides in the county, to give him information of the time appointed for the trial of the cause, and upon the day so appointed, the justice shall determine the matter without further delay, and if it shall from any unavoidable cause so happen, that a trial shall not be had on the day so appointed, it shall be lawful for the sheriff to again call on the party charged, and request him to attend him before some justice of the peace most convenient, who may forthwith decide in said cause, and if the party charged with fees, shall in any case refuse to go before a justice of the peace, it shall be lawful