

county, in which action the same proceedings shall be had, as in actions for the recovery of small debts before a single justice of the peace, or the county court, as the case may be.

SEC. 8. *Be it further enacted*, That if the said commissioners fail or neglect to make the report of their proceedings, as required by the next preceding section of this act, the orphans court of said county shall remove the delinquent commissioners from office, and shall appoint others in their stead; and it shall be the duty of the said court, and they are hereby authorized and required, to institute suit in the name of the state, for the use of the district of said commissioners, against such delinquent commissioners, or any of them, in Caroline county court, for all moneys paid under the order of said commissioners, or any of them, which action shall be tried at the first session of said court, after the institution thereof, and in which the said justices shall recover, for the use of the district, from said commissioners, or from any of them, under whose order the same was paid, all moneys paid under their order, for which accounts, properly verified as aforesaid, are not produced by the commissioners giving said orders, and in such actions against the delinquent commissioners, or any of them, the court shall give judgment for the amount found due, although under the sum of fifty dollars, with costs of suit; and if, upon the trial of any such action or actions, it should appear, from the accounts produced by such commissioner or commissioners, that there is nothing due from them, the court shall nevertheless render judgment against them for costs of suit; and on any judgment obtained in the name of the state under the provisions of this section, the justices of the orphans court, for the time being, may sue out the same process of execution or attachment, which may be had on the common law judgments in said court.

Case of failing to report, &c.

Removal.

Suit.

Judgment.

Attachment

SEC. 9. *And be it further enacted*, That at the June session of the orphans court of Caroline county, in each year, if it shall appear to said court, upon the reports rendered to them by the several boards of district commissioners, that there is any part of the money placed to the credit of the commissioners of any district remaining unexpended after payment of all orders which may have been given by the commissioners for such district, it shall be the duty of the said court, for the time being, at the request or upon the written application of the commissioners for said district, to invest such unexpended balance in bank stock or in some mode which they may deem safe and secure, in their name, for the use and benefit of said district; and that if no such request or application be made to said court, at its said session, it shall then be the duty of said court to pass over such balance to the credit of the commissioners for the

Case of balance unexpended.

Investment.

Otherwise.