

CHAPTER 54.

AN ACT for the amendment of the law in certain cases.

Be it enacted, by the General Assembly of Maryland, That in case any sheriff or coroner shall be called upon by order of any court of record within this state, or of the high court of chancery, to make return of any writ of execution, and shall fail or omit to make return thereof within the time limited by rule of court made for that purpose, it shall and may be lawful to and for the judges aforesaid to cause judgment to be entered up, in the name of the plaintiff or plaintiffs, against such sheriff or coroner, for the amount of the debt or damages, and costs, recovered from the person or persons against whose body, goods, chattels, land or tenements, such execution shall have issued, which judgment shall have the same effect, operation and validity, as any judgment rendered upon any verdict of a jury.

Judgment
may be
entered
against any
sheriff, &c.

By 1795, ch. 23, the same proceedings shall be had on executions sent from one county to another under the act of October, 1777, ch. 12.

SEC. 2. *And be it enacted,* That in case any sheriff or coroner shall be called upon by order of the justices of the general court, or of any county court, to return any original writ, and shall fail or omit to make return thereof within the time limited by rule of court for that purpose, and in all cases where any sheriff or coroner, being called upon by order of the general court or any county court, to bring before them any defendant or defendants before arrested by such sheriff or coroner upon any original writ or mesne process, according to the tenor of his return, the court, on motion, shall cause such sheriff or coroner to be amerced to the amount of the debt or damages, and costs, due from the defendant or defendants, to be ascertained by the oath of the plaintiff or plaintiffs, his, her or their factor, agent or attorney, and such other proof as the court may require, and shall and may enter judgment, *nisi* the second day of the next term thereafter, for the amount of the amerciamento aforesaid, in the name of the plaintiff or plaintiffs, and for his or their use, against such sheriff or coroner, which judgment shall be as valid and effectual as any judgment rendered upon any verdict of a jury.

Sheriff, &c.
may be
amerced,
&c.

SEC. 3. *And be it enacted,* That in all cases where any sheriff or coroner shall pay and satisfy to the plaintiff or plaintiffs any judgment rendered against him in virtue of this act as aforesaid, or any judgment rendered against him for a default upon any execution, such sheriff or coroner shall thereupon immediately become entitled to the original cause of action, or judgment, as the case may be, as fully as the plaintiff or plaintiffs themselves was or were, and may issue any execution in his own name, or in the name of the original plaintiff or plaintiffs, upon such judgment, for his own use, or prosecute such

And entitled to the
original
cause of
action, &c.