

## CHAPTER 21.

\*1791, ch. 67. AN additional SUPPLEMENT to an Act\* entitled, an Act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes.

See 1801, ch. 62, and the acts there referred to.

See notes to the original act, ante page, 274.

Preamble.

\*1801, ch. 62.

WHEREAS many inconveniencies have arisen under the law,\* entitled, a supplement to an act, entitled, an act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes; therefore,

Constable neglecting to make return of any execution, &c. may be fined.

(\* the)

SEC. 2. *Be it enacted by the General Assembly of Maryland,* That in case any constable shall neglect to make due return of any execution directed to him by virtue of *this\** act, to which this is supplement, it shall be lawful for the justice who issued the said execution, on proof of the delivery of the writ of execution to the said constable, to call such constable before him, and unless a good excuse is offered, to fine such constable any sum not exceeding fifteen shillings, and such justice may thereupon allow a future day, not exceeding fourteen days, to such constable to make return thereof, and in case such constable shall fail to make return by the time limited, it shall and may be lawful for such justice, at the request of the plaintiff, his agent or attorney, to enter judgment against said constable, and his securities, in favour of the plaintiff, for the amount of his debt and costs; and in case any constable shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of said execution, to enter judgment for the plaintiff against the said constable, and his securities, for the amount of the debt and costs, on which judgment execution may issue immediately, directed to the sheriff of the county or the constable of any hundred in said county, who is hereby directed to execute the same; *Provided*, that such judgment shall not be entered until proof shall be made, on oath or affirmation, that the debt and costs have been demanded by the plaintiff, his agent or attorney, of the said constable, and that he hath refused or neglected to pay the same.

Proviso.

Justice imposing fine may issue execution for the same.

SEC. 3. *And be it enacted,* That any justice imposing any fine by virtue of this act, may issue execution for the same in the nature of *capias ad satisfaciendum* or *feri facias*, directed to the sheriff, or the constable of any hundred in said county, and the same shall be applied towards defraying the county charges.

Constable, on satisfying plaintiff

SEC. 4. *And be it enacted,* That if any constable, against whom judgment shall be entered as aforesaid, shall satisfy the