

CHAPTER 185.

AN ACT to restrain the evil practices of Constables.

WHEREAS great injustice has been found to arise from constables neglecting or refusing to pay over money which they have received in their official capacity, to the person to whom it is due, and it appearing to this legislature to be reasonable and proper that a speedy mode of recovery should be provided in such cases; therefore,

Preamble.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That from and after the passage of this act, in all cases where any constable as such shall receive money, and shall fail to pay over the same to the party to whom the money may be due, or to his executors, administrators or assigns, it shall and may be lawful for any justice of the peace, upon application of the party to whom the money is due, or of his executors, administrators or assigns, to issue a warrant against the said constable for the money by him so received, and to direct said warrant to any constable, or other person willing to serve the same, and service by the person so appointed shall be to all intents available in law, and on the return of such warrant, and the appearance of the said constable, the said justice shall render such judgment as shall appertain to right and justice.

Proceedings against constables receiving and failing to pay over money to party, &c.

SEC. 2. *And be it enacted,* That upon a judgment rendered in such case the said constable shall not be allowed a superse-deas, but execution may issue forthwith.

Not allowed to supersede a judgment.

SEC. 3. *And be it enacted,* That the party to whom such money may be due as aforesaid shall and may be entitled, instead of the remedy herein before given, or after failure to recover thereby the money due, to sue upon the bond of such constable, any law or usage to the contrary notwithstanding.

Party to whom money is due to sue bond, &c.

CHAPTER 186.

AN ACT to provide for the support and maintenance of Debtors actually confined in prison.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That from and after the first day of March next, whenever any debtor arrested on a *capias ad satisfaciendum* issued by any justice of the peace of this state, or otherwise committed for the non-payment of any judgment recovered before a justice of the peace of this state, shall be delivered by the constable to the custody of the sheriff, it shall be the duty of the creditor at whose instance such debtor shall be arrested or committed as aforesaid, to pay to the sheriff, within two days after the said prisoner shall be so delivered to the custody of the sheriff, the sum of eighty-seven and a half cents, for the support and maintenance in prison of the said debtor, and the like sum weekly

Creditor to pay sheriff 87½ cts. weekly for support of debtor, &c.