

“ing of the act of assembly in such cases, made and provided, that
 “then the above obligation to be void and of none effect, or else to
 “remain in full force and virtue in law.”

3. AND BE IT ENACTED, That from and after the tenth day of
 July next, it shall not be lawful for any clerk of any county in this
 state to receive the fees of the clerk's office, until such county
 clerk have entered into bond as aforesaid, with good, able and suf-
 ficient securities as aforesaid, being persons of visible and landed
 estates within the state of Maryland.

No clerk to re-
 ceive fees till bond
 is given.

4. AND BE IT ENACTED, That if any clerk of any county shall
 neglect or refuse to pay into the treasury, or to the agent of the
 state, any monies of the said state in his hands, at the time limited
 by law, and to render and settle his accounts with the said treasur-
 er, when thereto required by the agent of the state, it shall and
 may be lawful for the respective county courts, or the respective
 general courts, and they are hereby authorised and empowered,
 upon motion in behalf of the state, and on producing a stated ac-
 count, signed by the treasurer, of the sum of money or claim of
 the state due and in arrear from any such clerk, to order a judg-
 ment to be entered for the penalty of such clerk's bond, to be re-
 leased on the payment of such sum or sums of money as shall ap-
 pear to be due, and costs, and an immediate execution to be award-
 ed against the person or property of such clerk to compel payment
 of said monies and costs; *Provided*, that a copy of such account,
 signed by the respective treasurers as aforesaid, and notice of such
 intended motion, be delivered, in writing, to such clerk, or left at
 his last place of abode at least twenty days previous to the sitting
 of the term at which such application shall be intended, and that
 proof thereof be made to the satisfaction of the court; *And provid-
 ed also*, that if such clerk shall, in person or by attorney, controvert
 the demand, and desires a jury to be impannelled to ascertain the
 sum of money really due and payable, the said court are empower-
 ed and authorised to direct a jury to be immediately impannelled,
 and charged to try and ascertain an issue, whether such clerk be
 chargeable with and liable to pay any and what sum or sums of
 money to the said state, and the said court, upon such verdict of
 the jury, shall and are hereby empowered to direct judgment to be
 entered for the penalty of such clerk's bond, to be released upon
 the payment of the sum or sums of money so found due by said
 verdict, and costs, upon which there shall be no writ of error, su-
 persedeas or appeal, and to award execution thereon as upon all
 other cases of judgments had and obtained in said court.

Clerk neglecting
 to pay money.
 Judgment to be en-
 tered for penalty
 of bond.

Provisos.

See November 1809, ch. 127, s. 3.

5. AND BE IT ENACTED, That if any clerk of any county, upon
 whose bond judgment shall be entered as aforesaid, and execution
 thereupon issued, shall not satisfy and pay, or cause to be satisfied
 and paid, such judgment and execution to the respective treasurer,
 or the agent of the state, for two successive terms to which the
 said execution shall be made returnable, the said default shall be
 and the same is hereby declared to be misbehaviour in office within
 the meaning of the constitution, and may be prosecuted as such.

Default declared
 misbehaviour in
 office.

See November 1809, ch. 127, s. 5.

6. AND BE IT ENACTED, That if any clerk, who hath received
 public money before the passage of this act, shall neglect to pay

Neglect to pay
 over money de-
 ed misbehaviour
 in office.