

CHAP. 61. ing and repairing, the said ditch or drain, in the manner herein before directed.

How vacancies are to be filled;

8. **AND BE IT ENACTED**, That in case of death or resignation, refusal or disqualification to act, of any of the persons chosen directors, at any time hereafter, it shall and may be lawful for the said other directors to meet as soon as conveniently may be thereafter, at their place of meeting as aforesaid, and choose a person in his stead to act as director till the next annual meeting of the said proprietors, and if any two directors therein disagree in such choice, they shall determine the same by drawing lots for the persons put in nomination, and the person in whose favour the matter shall be so determined, shall be and he is hereby declared a director, to all intents and purposes, until the succeeding annual election.

CHAP. LXII.

Passed Dec. 31.
* 1791, ch. 67.

*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.* Lib. JG. No. 4, fol. 97.

Further supplementary acts, 1806, ch. 21. 1811, ch. 174; and see November 1809, ch. 76, sections 1 and 2, and ch. 177. Also December 1813, ch. 162.

Justice not to make return of any supersedeas, &c.

1. **BE IT ENACTED**, by the General Assembly of Maryland, That from and after the twentieth day of March next, no justice of the peace of this state, before whom supersedeas on any judgment rendered by a single magistrate hath been taken, shall make return of any such supersedeas to the office of the said county court, for the purpose that the same should be recorded or filed therein by the clerk of the said county, any law to the contrary notwithstanding.

By November 1809, ch. 76, s. 3, where a judgment is superseded, the supersedeas to be taken by the justice who rendered the judgment, and no other, provided he is living in the county, and acting.

By 1811, ch. 174, no execution to issue upon a judgment confessed with a stay of execution for six months, when the judgment has been assigned, unless there has been a demand.

May issue execution at request of plaintiff.

2. **AND BE IT ENACTED**, That any justice of the peace before whom supersedeas shall or may be taken from and after the said twentieth day of March next, or any other justice of the peace of said county, may and shall, at the request of the plaintiff, or any other person authorised by or on behalf of said plaintiff, issue execution by way of *capias ad satisfaciendum* or *fieri facias* against the principal debtor and his securities, or against either of them, after the expiration of the time so mentioned in the said supersedeas.

Constables authorised to serve executions.

3. **AND BE IT ENACTED**, That the constables of the respective counties of this state, who have been, or may hereafter be, duly appointed and qualified according to law, are hereby authorised and empowered to serve and levy executions issued by a justice of the peace on judgments obtained for small debts out of court, in the same manner and by the same process as the sheriff or their deputies are by law authorised to do, and to receive the same fees that the said sheriffs are entitled by law to receive for the same services; (a) *Provided nevertheless*, that the said constables shall, before they proceed to discharge the duties required by this act, give bond to the state of Maryland, with good and sufficient security, in the penalty of *two hundred and fifty dollars*, (b) to be approved of by

Provisos.

(a) See Nov. 1779, ch. 25, s. 3, 4, 5; and 1790, ch. 59, s. 2.

(b) Increased to 800 dollars by November 1809, ch. 177. See that act.