

rected, shall be allowed for his services at the rate of thirty shillings *per diem*.

NOVEMBER SESSION, 1797.

CHAP. XLIII.

An Act for the speedy recovery of Monies levied or received by Sheriffs and Collectors. Lib. JG. No. 2. fol. 631. Passed Jan 20 1798

1. BE IT ENACTED, by the General Assembly of Maryland, That in all and every case where the sheriff or collector of any county within this state shall hereafter levy, and collect or receive, or ought to levy and collect, any sum or sums of money or tobacco for the use of any person or persons whatsoever, and shall refuse or neglect to pay over the same to the person or persons, or to the order of the person or persons, entitled or authorised to receive the same, by the time required by law, it shall and may be lawful, and the several county courts or general court, as the case may be, are hereby required, upon motion made on behalf of the person or persons entitled or authorised to receive the money or tobacco levied and collected as aforesaid, or which ought to be levied and collected as aforesaid, and on producing to the court before whom such motion shall be made, a stated account of the demand, supported by such affidavit or voucher as the court shall reasonably require, to order a judgment to be entered, and an immediate execution to issue thereon, against the person or property of such sheriff or collector, to levy and compel the payment of such sum of money or tobacco so due and payable; provided, that a copy of the demand, and notice of such intended motion, be delivered in writing to such sheriff or collector, or left at his last place of abode, for the space of twenty days previous to the sitting of the court at which such application shall be intended, and that proof thereof be made to the satisfaction of the court; and provided also, that if such sheriff or collector shall, in person or by attorney, controvert the demand, and desire a jury to be impannelled to ascertain the sum of money really due and payable, the court shall direct a jury to be immediately impannelled and charged to try and ascertain an issue, whether the said sheriff or collector be chargeable with and liable to pay any and what sum or sums of money or tobacco to the person or persons so claiming and authorised to receive the same; and the court are hereby empowered and required, upon such verdict of the jury, to pass judgment against the said sheriff or collector, upon which there shall be no writ of error, supersedeas, injunction or appeal, and to award execution thereon as upon all other cases of judgment had in the said courts.

By 1818, ch. 193, s. 6, the provisions of this section are extended to the court of chancery, and the county courts as courts of equity.