

C H A P.
LXXX.

parties to be audited and stated by an auditor or auditors to be appointed by such court, and there shall be such proceedings thereon as in cases of actions of accounts.

In actions on bond, &c. jury may find the sum due, &c.

XIII. And be it enacted, That in all cases of actions brought for the penalty of any bond, bill, covenant or contract, with penalty, the jury may, under the direction of the court, upon the plea of payment, or performance of the condition or terms of the contract, ascertain, and by their verdict find, what sum of money or tobacco is really and justly due to the plaintiff, and upon such finding, judgment shall be entered by the court for the penalty to be released upon payment of the sum of money or tobacco so found to be due, and interest on the same until paid, and costs of suit; and the sum really due as aforesaid, or in any other manner ascertained, upon bonds and other instruments of writing with penalty, shall be considered in law as the true debt, and shall be so pleaded by and allowed to executors, administrators, and others.

In cases of replevins, court may inquire into circumstances, &c.

XIV. And be it enacted, That in all cases of replevins hereafter to be issued and executed, the court to which such replevins are returned, respectively, shall have full power and authority, upon a motion being made by the defendant for a return of the property taken in consequence of such replevins, to inquire into the circumstances and manner of the defendant's obtaining possession of such property, and if it shall appear that such possession was forcibly or fraudulently obtained, or that the possession first being in the plaintiff was got or retained by the defendant, without proper authority or right derived from the plaintiff, then the court may refuse to order a return to the defendant until a judgment is given in the action.

C H A P. LXXXI.

An ACT respecting surplus lands.

Passed March 21.

No caution money shall be required, &c.

BE it enacted, *by the General Assembly of Maryland*, That no caution or composition money shall be required for any surplus land on any certificate now or hereafter to be returned on survey of any tract or part of a tract of land granted before the first day of January seventeen hundred and seventy-seven.

C H A P. LXXXII.

Passed March 12.

An ACT to establish a supplementary fund to raise the sum of money required of this state by the resolve of congress of the eighteenth of April seventeen hundred and eighty-three.

Preamble.

WHEREAS congress, by their resolve of the eighteenth of April seventeen hundred and eighty-three, recommended to the several states to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the late war, substantial and effectual revenues for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the duties also mentioned in the said resolve, and this general assembly are convinced of the necessity of enabling congress to support the federal faith and union;

A tax of 10s imposed on every £. 100, &c.

II. Be it enacted, *by the General Assembly of Maryland*, That a tax or assessment of ten shillings current money shall be and hereby is imposed on every hundred pounds worth of property within this state, as the same shall be estimated for the purpose of laying the public tax or assessment, and the same shall take place and commence as soon as twelve states, including