

the same was payable as aforesaid, which recovery shall be evidence of misbehaviour, and upon conviction thereof the said clerk or register shall be removed from office, which shall thereupon be filled as prescribed by the constitution, and such failure on the part of any clerk or register shall amount to a forfeiture of the commission to which he would otherwise be entitled.

Removal.

In force and approved March 23, 1868.

1868, c. 302 entitled an act to provide for refunding money paid into the state treasury enacts as follows :

148. If any person or corporation in this state shall have heretofore paid or shall hereafter pay by mistake whether of law or fact to any lawful collector of state taxes any larger sum than was properly payable, and such taxes shall not have been paid by such collector into the treasury of the state, such person or corporation may file a petition in the circuit court of the county in which such person resides or in which such corporation has its principal place of business or in Baltimore city court, if such person has his residence or such corporation its principal place of business in the city of Baltimore, stating in the said petition to whom said taxes were paid and when and the amount thereof, and on what account and for what year the taxes were so paid, and all the facts necessary to enable the court to determine the question involved ; and thereupon the said court shall lay a rule requiring the tax collector to whom said taxes were paid to answer the petition by a day named, which rule shall be served on such collector ; and the states' attorney for the county or city of Baltimore in which the said petition shall be filed shall appear to said proceedings on behalf of the said collector without charge, and if the court after a hearing of the matter of said petition in such manner and according to such regulations for ascertaining the facts of the case, as it shall by its rules prescribe, shall be of opinion that the taxes alleged

1868, c. 302, s. 1.
Payment of
taxes by mis-
take.Proceedings
when not paid
into treasury.Petition to cir-
cuit court.What to con-
tain.Rule on collec-
tor.

Hearing.