

COLLECTION OF OFFICERS' FEES.

41. The sheriff shall collect all fees due to the following officers which may be placed in his hands for collection, between the first day of January and the first day of May, in each year, namely: Attorneys, clerks of all the courts, commissioner of the Land Office, coroners, criers, registers of wills, surveyors, and sheriffs. This section shall not apply to the city of Baltimore.

Art 88, s. 46
1715, c 48, s 10,
1779, c 25,
1861, c 53
Collection of
officers' fees
24 Md 340,
39 Md 177,
8 G & J 470

42. He may distrain or execute the goods and chattels of any person, against whom any fees are placed in his hands for collection; *provided*, he has sixty days previously delivered to such person, or left at his place of abode, an account of such fees.

Id s 47
1779, c 25, s 17,
1783, c 31, 1822,
c 219, s 2, 1861,
c. 53
May distrain or
execute
4 H & McH 65,
1 H & J 205

Time of delivery of account of fees.

43. If he shall be informed by the affidavit of any one, taken before a justice of the peace, that a person against whom he has fees to collect has absconded, or is about to do so, the sheriff may distrain or execute immediately, without previously having delivered an account of fees; *provided*, that if any such absconding debtor will give the sheriff good and sufficient security for the payment of such officers' fees within sixty days, the sheriff shall not sell his goods or chattels.

Id s 48
1779, c 25, s 19,
1822, c 219, s 2
Where debtor
absconds.

On sufficient
security given
sheriff not to
sell

44. In all cases of distress or execution for officers' fees, the sheriff may sell the goods and chattels distrained or executed at public auction, five days after the same are so taken, unless such officers' fees are paid; but the sheriff shall not charge any fees for such distress, execution or sale.

Id s 49.
1779, c 25, s 17
Time of sale of
goods dis-
trained.

45. The sheriff shall, before the first day of November in each year, account with and pay over to each officer who may have placed fees in his hands for collection; and if any sheriff shall refuse or neglect to pay over officers' fees he has received or collected, or ought to have collected, the person entitled to receive the same may apply to the Circuit Court of the county or the court in the city of Baltimore having jurisdiction over the amount claimed, and such court shall render judgment against such sheriff for the amount due from him; *provided*, that no such judgment shall be entered unless the person applying for the same shall exhibit to the court an account of the sum due, verified by affidavit, and such other proof as the court may require, and shall also prove to the satisfaction of the court, that he has served a copy of such account on said sheriff and demanded payment thereof at least twenty days before the meeting of the court at which the application is made.

Id s 50
1779, c 25, s 18
Failure to pay
over fees col-
lected
4. Md 238

46. If such sheriff shall controvert the demand, and desire a jury to be impanelled, the court shall direct a jury to be immediately impanelled to try an issue whether the said sheriff be chargeable with and liable to pay any and what sum of money to the person so claiming and authorized to receive the same, and the court shall pass judgment on the verdict of the jury as in other cases, and

Id s 51
1779, c 25, s 18
Proceedings
where demand
controverted by
sheriff
41 Md 239.