

SUITS ON BOND AND REMEDIES AGAINST CONSTABLES.

Art 23, s 18
1825, c 198 s 1.
When and how
bond of con-
stable may be
sued before
justice
4 Md 273,
21 Md 432.

84. Where a constable is defaulted for any sum or sums of money, or has collected any sums of money, and refuses or neglects to pay the same to the person entitled thereto, and the sum does not exceed one hundred dollars, the person to whom the same is due may apply to any justice of the county, or city, who shall issue his summons against the constable and his securities, in the usual form, and upon trial may give judgment for the amount due and costs against the constable and his securities, in the same manner as if the securities were bound in a joint and several note with the constable, from which judgment there shall be the same right of appeal and supersedeas as in other cases.

Id s 19
1825, c 198, s 3
What evidence
of execution
of bond

85. A certificate from the clerk of the Circuit Court for the county, or the Superior Court of Baltimore City, stating who are the securities of a constable, and the time when they became such, shall be sufficient evidence of the fact, and it shall not be necessary to produce a full copy of the bond.

Id s 20
1842, c 283, s 1
What evidence
will charge
bond
16 Md 512.

86. In all suits by a creditor upon the bond of a constable for any neglect of a duty, or default in not prosecuting and recovering money upon any claim placed in his hands for collection according to law, or for a breach of duty in not paying over money collected by him upon any such claim, the receipt of such constable to the creditor or his agent for the claim for collection, or proof that he received it for collection according to law, shall be sufficient *prima facie* evidence to entitle the plaintiff to recover in such suit, unless the defendant shall prove that the constable has discharged his duty in such case according to law.

Id s 21
1842, c 283, s 2
For what bond
liable

87. The bond of the constable which shall be in force at the time he shall receive claims for collection, shall be liable to be sued and recovered upon, in cases under the last preceding section, unless it shall appear in proof that after using reasonable diligence he was prevented from recovering the money from the defendant by a supersedeas of the judgment recovered against him, or an injunction, or certiorari, or unless the powers of the constable shall cease before he could by execution and the use of proper diligence recover such claim.

Id s 22
1842, c 283, s 3
What bond
creditor may
sue

88. The last preceding section shall not preclude any creditor from instituting suit upon any other bond of the constable, if neglect, default, or breach of duty shall arise under or during the official action of the constable under such bond.

Id s 23.
1820, c 185, s 1
How and when
may be sued
before justice.
30 Md 315

89. Where any constable shall receive money and shall fail to pay the same to the party to whom due, or to his executors, administrators, or assigns, any justice, on application of the party, his executors, administrators, or assigns, may issue a summons against the constable for the money by him received, and may direct said summons to any constable, or other person willing to serve the same,