

P. G. L., (1860,) art. 81, sec. 80. 1841, ch. 23, sec. 48. 1874, ch. 483, sec. 70.

71. When the comptroller shall order suit upon a collector's bond, he shall transmit to the State's attorney, or some other attorney by him selected, a statement of the account of such collector; and upon the account so transmitted, signed and certified by the comptroller, and on motion being made on behalf of the State, judgment shall be entered at the first term of the court in which suit may have been brought, in the name of the State, against such collector and his sureties; provided, ten days' previous notice in writing be delivered to such collector and his sureties, or left at their place of abode, signed by the said attorney; and it shall be the duty of the sheriff to serve such notice, and proof of such service shall be made to the satisfaction of the court before such judgment shall be entered.

Crane v State, 1 Md. 31. *Billingsley v. State*, 14 Md. 369. *Sprigg v State*, 54 Md. 469.

Ibid. sec. 81. 1841, ch. 23, sec. 48. 1874, ch. 483, sec. 71.

72. If such collector or his sureties shall, in person or by attorney, desire a trial by jury of any matter in controversy in said suit, which shall by them be pleaded, the court shall thereupon direct a jury to be empanelled at the said term, to try and determine the matter in controversy.

Ibid. sec. 82. 1847, ch. 261. 1874, ch. 483, sec. 72.

73. It shall not be necessary for the State, in any suit brought on any bond given by any person who has the collection of any part of the State's revenue, in reply to the plea of performance, to set out at large in its replication the breaches for which damages are claimed, but may reply generally that the obligor or obligors hath or have not performed the conditions of his or their bond, accompanying the same by a substantial statement of the amount demanded, and give the special matter in evidence, upon which issue the jury shall assess such damages as the State may have sustained, and upon such verdict, if for the State, judgment shall be entered for the penalty of the bond, to be released upon the payment of the damages assessed by the jury, with interest thereon until paid, and costs.

Wilson's Admrs v. Ridgely, 46 Md. 244.