

ner as fees have been heretofore collected; and such sheriffs shall use and have the same means of enforcing payment of, and collecting said fees, and be liable to the said Augustus R. Sollers, late clerk as aforesaid, on their official bonds given and approved at the time such fees are placed in their hands in the manner now provided by the existing laws of this State; *Provided*, that nothing in this act shall be so construed as to deprive the said Augustus R. Sollers from collecting said fees by warrant, suit or otherwise.

Proviso.

Fees to be placed in hands of sheriff.

SEC. 2. *And be it enacted*, That all fees due the said Augustus R. Sollers, late clerk as aforesaid, may be placed in the hands of the sheriffs of the several counties of this State, and of the city of Baltimore, wherein the debtor or debtors reside, at any time, during the year eighteen hundred and fifty-three; and that such sheriffs shall account for and pay over the same within nine months from the time such fees shall be placed in their hands for collection as aforesaid, and on failure to collect and pay over the same within the time required by this act to the said Augustus R. Sollers, the official bonds given and approved as aforesaid, of such sheriffs, shall be liable to be put in suit at the instance and for the use of the said Augustus R. Sollers.

Failure to collect.

SEC. 3. *And be it enacted*, That nothing in this act contained, shall be construed to make any sheriff answerable for the failure to collect any fees, unless the same by the use of due diligence could have been collected.

In force.

SEC. 4. *And be it enacted*, That this act shall take effect and be in full force from and after its passage.

## CHAPTER 299.

Passed May 27, 1853. AN ACT to carry into effect the twenty-second section of the fourth article of the Constitution in relation to non-resident or absent defendants to suits in Equity in the several Courts of this State.

Proper person to be appointed.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That whenever an order of publication has been or shall be duly had and published in any cause now pending or hereafter to be instituted on the equity side of any of the courts of this State, wherein the judge of said court, is or may be disqualified from sitting by reason of any of the disabilities mentioned