

CHAP. 23.

more than six per centum, on all money paid by him into the treasury as aforesaid, to be fixed by the several levy courts or commissioners, except where the compensation is hereinbefore provided for; and the collector for the city of Baltimore, shall receive two per centum, upon the amount of his collections under this act.

SEC. 48. *And be it enacted,* That if any collector shall fail to pay into the treasury, the amount of money which may be or should be in his hands as aforesaid, for the use of the State, within one month after the time specified for payment as aforesaid, he shall be charged with interest thereon, at the rate of six per cent per annum from the time the said money became due, and payable; and if he shall fail to make any such payment as aforesaid, for the space of three months after the same becomes due and payable as aforesaid, he shall not be entitled to any commission on said money thereafter paid into the treasury; and the treasurer of the Eastern or Western Shore, as the case may be, may transmit to the Attorney General, or his deputy, a statement of the account of such collector, and such attorney shall proceed against such collector and his sureties, or his official bond, or a certified copy thereof; and upon the account so transmitted, signed and certified by the treasurer, and on motion being made on behalf of the State, judgment shall be entered at the first term of the county court in which suit may have been brought, in the name of the State, against such collector and his sureties, and execution shall issue thereon, as in all cases of judgment had in said courts; *provided,* that ten days previous notice, in writing, be delivered to such collector and his sureties, or left at their place of abode, signed by the Attorney General or his deputy, and proof of such notice be made to the satisfaction of the court, and it shall be the duty of the sheriff to serve said notice; *and provided also,* that 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 specified, the court shall thereupon direct a jury to be empannelled at the same term, to try and determine the said matter in controversy and so specified; and it shall not be necessary for the State in any suit on such bonds, in reply to the plea of performance, to set out at large in its replication, the breaches for which damages may be claimed, but may reply generally that the obligor or obligors have not performed the condition of his or their bond, and give the special matter in evidence, and upon the issues so joined, the jury shall as-

If any collector fail in paying money which may or should be in his hands

Suit to be entered, &c

Notice required

Trial by jury may be had

Duty of State in any suit, &c