

titled to receive the same fees as are or shall be established by law on the service of executions. C H A P. LIII.

VIII. **And be it enacted,** That the justices of the peace in the several counties of this state, at the time of their meeting to lay the county assessment, shall appoint the constables and overseers of the roads for their respective counties, in the same manner, and with the same power and authority, as they have been heretofore appointed by the respective county courts. Justices to appoint constables, &c.

IX. **And be it enacted,** That the justices of the peace shall be allowed the sum of ten shillings *per diem*, to be included in the county assessment, for every day they shall attend in discharge of the duties required by this act. Their allowance.

X. **And be it enacted,** That so much of an act, entitled, An act for the better administration of justice in the several counties of this state, as directs the proceedings of the justices of the peace in respect to the laying the county assessment, and as authorises the appointment of overseers of the public roads and constables, shall be and is hereby repealed. Part of an act repealed.

XI. **And be it enacted,** That nothing in this act shall be construed to authorise or empower the said justices of the respective counties to allow any claim or claims, charge or charges, against their said counties, not properly chargeable to the same, or to which the claimant shall not produce a legal voucher, any law or usage to the contrary notwithstanding. Certain claims not to be allowed, &c.

XII. **And be it enacted,** That wherever the amount of the allowance to the poor houses in any county or counties of this state is ascertained and fixed by acts of assembly now in force, nothing in this act shall be held or construed to empower the justices of the levy courts of such county or counties to increase the said allowance. Allowance fixed not to be increased.

XIII. **Provided nevertheless, and be it enacted,** That nothing in this act shall be taken or construed to repeal any part of an act passed at this present session, entitled, An act to alter the mode of collecting the county tax in Harford county. Proviso.

C H A P. LIV.

An ACT for the amendment of the law in certain cases. Passed December 26.

BE it enacted, *by the General Assembly of Maryland,* That in case any sheriff or coroner shall be called upon by order of any court of record within this state, or of the high court of chancery, to make return of any writ of execution, and shall fail or omit to make return thereof within the time limited by rule of court made for that purpose, it shall and may be lawful to and for the judges aforesaid to cause judgment to be entered up, in the name of the plaintiff or plaintiffs, against such sheriff or coroner, for the amount of the debt or damages, and costs, recovered from the person or persons against whose body, goods, chattels, lands or tenements, such execution shall have issued, which judgment shall have the same effect, operation and validity, as any judgment rendered upon any verdict of a jury. Judgment may be entered against any sheriff, &c. in certain cases, &c.

II. **And be it enacted,** That in case any sheriff or coroner shall be called upon by order of the justices of the general court, or of any county court, to return any original writ, and shall fail or omit to make return thereof within the time limited by rule of court for that purpose, and in all cases where any sheriff or coroner, being called upon by order of the general court, or any county court, to bring before them any defendant or defendants before arrested by such sheriff or coroner upon any original writ or mesne process, according to the tenor of his return, the court, on motion, shall cause such sheriff or coroner to be amerced to the amount of the debt or damages, and costs, due from the defendant or defendants, to be ascertained by the oath of the plaintiff or plaintiffs, his, her or their factor, agent or attorney, and such other proof as the court may require, Sheriff, &c. failing to make return, may be amerced, &c.