

rendered, and a declaration or short note, expressing the cause of action, being filed with the clerk of the court before issuing the writ, and a copy thereof served on the defendant or defendants 20 days before the return of such writ in the general court, and 8 days in the county court, and the justices of the said courts respectively, shall proceed thereon as in the 1st art. is directed.—*ibid.* § 3.

3. The general or county courts shall not allow of any plea to a declaration in such actions, except the general issue, unless the same be verified by the affidavit of the party: or otherwise made appear to be founded in fact by credible witness, or other legal evidence, and no demurrer to any declaration shall be allowed, for want of pursuing the usual forms of declarations in other cases; but it shall be deemed sufficient in all actions on the case, or of account, to alledge that the defendant or defendants were indebted to the United States, or to the State of Maryland, in the sum demanded, for money had and received to the use of the United States, or of this state, and that payment hath not been made, nor any account rendered for the same.—*ibid.* § 4.

4. The general or any county court where such action is brought, may, if need be, appoint auditors to take and state the accounts offered by any defendant or defendants, and may give judgment for such balance as appears due on the return of such auditors, with costs of suit; and if the balance should be found in favour of any defendant or defendants, who have been negligent in rendering his or their account, no costs whatever shall be adjudged to him or them, but the balance so found, if due from the state of Maryland, shall be paid by the treasurer of the eastern or western shore without costs, and a transcript of the judgment, under seal of the court, shall be a sufficient voucher for such payment; and the clerk of the court wherein such suit is determined, shall, within one month after the determination thereof, transmit to the auditor general a copy of the accounts so audited and settled, under the penalty of 20l.—*ibid.* § 5.

5. After judgment obtained, it shall be lawful to issue execution by *capias ad satisfaciendum, fieri facias*, or attachment on the judgment, which two last executions may be taken against lands and tenements, as well as goods and chattels; and all lands and tenements belonging to any public debtor, after the commencement of suit against him, shall be liable to said execution, in whosoever hands or possession found.—*ibid.* § 6.

6. The sheriffs of the several counties, where the money is not paid, may cause such goods, chattels, lands or tenements, to be sold at public vendue (after giving ten days notice thereof, excluding the day of notice and sale) to the highest bidder and shall retain sufficient to pay the debt and costs, their own fees included, returning the overplus to the