

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. C H A P. LIII.

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assessment, and as authorises the appointment of overseers of the public roads and constables, shall be and is hereby repealed. Part of an act repealed. \* 1790, ch. 33.

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 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. \* Chapter 14.

C H A P. LIV.

An ACT for the amendment of the law in certain cases. Lib. JG. Passed 26th of Dec. 1794. No. 2. fol. 233.

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, land 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.

By 1795, ch. 23, the same proceedings shall be had on executions sent from one county to another under the act of October, 1777, ch. 12.

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, and shall and may enter judgment, *nisi* the second day of the next term thereafter, for the amount of the amercement aforesaid, in the name of the plaintiff or plaintiffs, and for his or their use, against such sheriff or coroner, which judgment shall be as valid and effectual as any judgment rendered upon any verdict of a jury. Sheriff, &c. may be amerced, &c.

III. AND BE IT ENACTED, That in all cases where any sheriff or coroner shall pay and satisfy to the plaintiff or plaintiffs any judgment rendered against him in virtue of this act as aforesaid, or any judgment rendered against him for a default upon any execution, such sheriff or coroner shall thereupon immediately become entitled to the original cause of action, or judgment, as the case may be, as fully as the plaintiff or plaintiffs themselves was or were, and may issue any execution in his own name, And entitled to the original cause of action, &c.