

CHAP. LXXIV. dered incapable to act, or remove out of the county, the governor for the time being, with the advice and consent of the council, is hereby authorised and requested to appoint and commission another fit and proper person to fill such vacancy.

Chief justice to have all the powers, &c.

XVI. AND BE IT ENACTED, That every chief justice of any county court, appointed and commissioned in virtue of this act, shall have, within the district for which he shall be appointed, all the powers and jurisdiction of a justice of the peace, except only as to the hearing and determining in the case of small debts out of the court; and every associate justice, appointed and commissioned in virtue of this act, shall have, within the county for which he shall be appointed, all the powers and jurisdiction of a justice of the peace out of court, except only as to hearing and determining in the case of small debts out of court, and sitting as a justice of the peace in the levy court.

And may direct the clerk, &c.

XVII. AND BE IT ENACTED, That the said chief justice, or either of the associate justices, may, out of court, direct the clerk to enter judgments by confession, or *non sum informatus*, and such judgment shall be as legal and valid as if entered in court during its sitting.

Salary to chief justice, &c.

XVIII. AND BE IT ENACTED, That every chief justice appointed and commissioned in virtue of this act, or who may hereafter be appointed in virtue of this act, shall receive, as a compensation for his services, as follows, viz. For the first district, at the rate of one thousand three hundred dollars *per annum*; for the second district, at the rate of one thousand three hundred dollars *per annum*; for the third district, at the rate of one thousand four hundred dollars *per annum*; for the fourth district, at the rate of one thousand three hundred dollars *per annum*; for the fifth district, at the rate of one thousand three hundred dollars *per annum*; and the treasurer of the western shore shall and he is hereby authorised and directed, to pay quarterly, out of any unappropriated money which may be in the treasury, to each of the chief justices, or to his order, the salary which by law he is entitled to receive,

Taxes on process.

XIX. AND, as a fund towards payment of the above annual sum to the chief justices of the several districts, BE IT ENACTED, That the following taxes shall be paid on the following process and proceedings in the county courts of this state, to wit: On every writ of ejectment, summons in partition or dower, one dollar; on every writ of trespass *quare clausum fregit*, seventy-five cents; on every other original writ, twenty-five cents; on every appeal, writ of error, *habeas corpus cum causa* or *certiorari*, one dollar; on every commission to mark and bound lands, one dollar.

To be paid to the clerks, &c.

XX. AND BE IT ENACTED, That the said taxes shall be paid to the clerks of the respective county courts at the time of issuing the said process or commissions, or of entering the said appeals, or producing the said writs of error, *habeas corpus* or *certiorari*, by the persons applying for the said process or commissions, or desiring the said appeal to be entered, or producing the said writs of error, *habeas corpus* or *certiorari*, and shall be allowed and taxed in the costs of suits; and the clerk of every county shall, every six months, settle his accounts, on oath or affirmation, with the treasurer of his respective shore, and shall pay the sum adjusted to the said treasurer; and every county clerk may retain at the rate of three *per cent.* for his trouble in receiving and paying the said fees according to this act; and it shall be the duty of the said respective clerks, at or before the close of each respective term, and before the returns required by this act shall be made to the said respective treasurers, to present a true, plain and correct list of the several taxes imposed upon the said process and law proceedings, and receivable by them, to the justices of their respective courts, for their examination and approbation, and if, upon the examination of such list, and the correction thereof, if necessary, the same shall be approved, the same shall be subscribed by them, or by the chief justice alone, or by the associate justices, and the gross amount of taxes therein contained shall be certified immediately thereafter by the said chief justice, or by the associate justices, to the treasurer of their respective shore; and every list so subscribed shall be returned, and the amount of taxes therein contained shall be paid, within the space of fifteen days after the subscription thereof as aforesaid, by the said clerks to the respective treasurers; and if any of the said clerks shall refuse or neglect to present a true, plain and correct list of the said taxes, in manner aforesaid, or to return the same as herein before directed to the said respective treasurers, every such clerk shall forfeit and pay the sum of one hundred dollars for every offence.

Justices to ascertain the amount, &c.

XXI. AND BE IT ENACTED, That the justices of the levy court for the several counties, at the time of laying their county assessment for the year eighteen hundred and two, and every year thereafter,