

1806.

NOVEMBER.

L A W S O F M A R Y L A N D.

C H A P.
VII.

business of said sheriff, also praying a law may pass, empowering the said securities to complete the collections and close the business of the aforesaid sheriff; therefore,

J. Evans, &c.
may collect,
&c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That John Evans, James Cockran and Joseph Phillips, securities of Samuel Cowden, late sheriff of Cæcil county, or a majority of them, or the survivors of them, be and they are hereby authorised and empowered to collect, on or before the twenty-fifth December, one thousand eight hundred and seven, all sums of money and balances owing to the said Samuel Cowden, late sheriff of the said county, for the years one thousand eight hundred and six, in manner following, viz. That the aforesaid securities, or such person or persons as may be deputed by them, or a majority of them, or the survivors of them, for the collection aforesaid, shall, at least thirty days before execution or distress of property for the arrearages aforesaid, deliver to the person charged, or leave at his or her last place of abode, an account, stating the fees due to the state, and the officers, respectively; and the said securities, or a majority of them, or their agent, shall, if they be thereunto required, make oath, before a justice of the peace, that the said account was taken fairly and truly from the books of the said sheriff, and that it does not appear from the said books, papers, or any memorandums left by the said sheriff, that any part or parcel of the charges contained in such account hath been paid, or otherwise secured or satisfied; and if the person or persons owing such officers fees shall neglect or refuse to pay the same, it shall and may be lawful for the said securities, or a majority of them, or the survivors, or their agent, to collect the same by execution, or distress of property, of the person or persons so refusing or neglecting, to sell and dispose thereof at public sale, giving ten days notice, exclusive of the day of notice and day of sale, by public advertisement, at the most public places in the neighbourhood, and at the court-house door of the county, of the day and hour of the sale.

Books, &c to
be delivered,
&c.

III. AND BE IT ENACTED, That the collection books, papers and memorandums, of the said sheriff, and his deputies, shall be delivered to the said securities, or a majority of them, or their agent, on demand, and shall be deposited in the clerk's office of Cæcil county, to be fully inspected and examined, (without costs or charges,) by any person or persons who shall apply for that purpose; and the person or persons in whose hands the books, papers and memorandums aforesaid, may now be, shall, before he, she or they, deliver them to the said securities, make oath, before a justice of the peace, that he, she or they, hath not, directly or indirectly, received any part or parcel of the money or tobacco which was due and payable to the said Samuel Cowden, as sheriff of the county aforesaid, nor any security or satisfaction for the same, more than is credited in the said books.

Commission
allowed.

IV. AND BE IT ENACTED, That the said securities, and the survivors of them, shall have the same commission on the collection aforesaid as the said sheriff would have been entitled to, and that all arrearages collected in virtue of this act shall be fairly applied to the discharge of the sums due by the securities for the year aforesaid in which said arrearages ought by law to have been collected.

Not to take a-
way remedies,
&c.

V. AND BE IT ENACTED, That nothing in this act contained shall be construed to take away or deprive the respective debtors for sheriff's fees, public dues and officers fees, of the remedies which they had against the original sheriff, in cases where nothing is alleged to be due on the distress or execution which are illegally conducted, but the same shall exist in full force and virtue against the said securities, and each of them.

Securities to
give bond, &c.

VI. AND BE IT ENACTED, That the aforesaid securities, or any or either of them, or the survivor or survivors of them, previous to their proceeding to complete the collection of the monies due to the aforesaid Samuel Cowden, deceased, as late sheriff of the said county, shall enter into such penal bond to the state of Maryland, with such sufficient securities as shall be approved of by any two of the justices of the levy court, for the completion of said collections, and the application of the same as above specified; and the said bond, when executed, shall be lodged with the clerk of the county, to be by him recorded, and upon the said bond, or office copy thereof, suit or suits may be instituted for any breach or non-compliance with the condition of the same.

C H A P. VIII.

Passed 31st of
Dec. 1806.

An ACT for the relief of John Figg, of Montgomery county.

Preamble.

WHEREAS John Figg, of Montgomery county, emigrated to, and settled in, this state, and since his emigration and settlement as aforesaid has acquired real property therein, and his title to such property may be called in question, to his great injury, from his not having become naturalized agreeable to the laws of the United States, before the purchase of such real property; therefore,