

CHAP. 185.

Passed Feb 15 1821
Preamble

Proceedings
against constables
receiving and fail-
ing to pay over
money to party,
&c.

Not allowed to
supersede a judg-
ment.

Party to whom
money is due to
sue bond, &c.

CHAP. CLXXXV.

An Act to restrain the evil practices of Constables.

WHEREAS great injustice has been found to arise from constables neglecting or refusing to pay over money which they have received in their official capacity, to the person to whom it is due, and it appearing to this legislature to be reasonable and proper that a speedy mode of recovery should be provided in such cases; Therefore,

1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, in all cases where any constable as such shall receive money, and shall fail to pay over the same to the party to whom the money may be due, or to his executors, administrators or assigns, it shall and may be lawful for any justice of the peace, upon application of the party to whom the money is due, or of his executors, administrators or assigns, to issue a warrant against the said constable for the money by him so received, and to direct said warrant to any constable, or other person willing to serve the same, and service by the person so appointed shall be to all intents available in law, and on the return of such warrant, and the appearance of the said constable, the said justice shall render such judgment as shall appertain to right and justice.

2. *And be it enacted,* That upon a judgment rendered in such case the said constable shall not be allowed a supersedeas, but execution may issue forthwith.

3. *And be it enacted,* That the party to whom such money may be due as aforesaid shall and may be entitled, instead of the remedy herein before given, or after failure to recover thereby the money due, to sue upon the bond of such constable, any law or usage to the contrary notwithstanding.

CHAP. CLXXXVI.

Passed Feb 14 1821 An Act to provide for the support and maintenance of Debtors actually confined in Prison.

Creditor to pay
sheriff 87 1/2 cts.
weekly for sup-
port of debtor,
&c.

1. *Be it enacted by the General Assembly of Maryland,* That from and after the first day of March next, whenever any debtor arrested on a *capias ad satisfaciendum* issued by any justice of the peace of this state, or otherwise committed for the nonpayment of any judgment recovered before a justice of the peace of this state, shall be delivered by the constable to the custody of the sheriff, it shall be the duty of the creditor at whose instance such debtor shall be arrested or committed as aforesaid, to pay to the sheriff, within two days after the said prisoner shall be so delivered to the custody of the sheriff, the sum of eighty-seven and a half cents, for the support and maintenance in prison of the said debtor, and the like sum weekly thereafter for the same purpose, so long as the said debtor shall be imprisoned at the suit of such creditor; and if default shall be made in any one of the payments herein before directed, and the said debtor shall be confined for debt, and for no other cause, it shall then be the duty of the sheriff forthwith, upon such default, to certify the same in writing, under his hand, to some justice of the peace of the county where such debtor shall be confined, in which certificate shall be set forth the day on which the said debtor was committed to the cus-