

The bill to repeal certain acts relating to amerancements, endorsed; "By the senate, December 19, 1791: Read the first time and ordered to lie on the table.

"By order,

H. RIDGELY, clk.

"By the senate, December 24, 1791: Read the second time and will pass with the proposed amendments.

"By order,

H. RIDGELY, clk."

Amendments proposed. At the end of the bill add the following proviso: "Provided always, That the said amerancements shall be paid to the treasury as at present, and should the funds appropriated to St. John's college, or Washington college, prove deficient, that then and in that case the said amerancements, or so much thereof as shall be necessary to satisfy the said deficiency, and as often as the same may occur, shall be and hereby are directed to be applied to the said purpose. Provided also, that the residue, after satisfying the said deficiency, be paid to the several counties according to their respective proportions, and when no deficiency arises, the treasurer shall, at the end of every year, pay to the orders of the several county courts the sums received from the said counties respectively; and that there shall be no restitution to any county of any money already paid into the treasury, nor shall this act extend to any amerancements laid before the passage thereof in any county of this state."

Which were read.

The bill for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned, endorsed; "By the senate, December 23, 1791: Read the first time and ordered to lie on the table.

"By order,

H. RIDGELY, clk.

"By the senate, December 24, 1791: Read the second time by especial order and will pass with the proposed amendments.

"By order,

H. RIDGELY, clk."

Amendments proposed. In the 10th line from the top of the 1st page strike out the word "shall" and insert "to." In the last line of the same page strike out the word "constable" and insert "sheriff." In the 1st line of the second page strike out the word "hundred" and insert "county." In the 5th line from the bottom of the 6th page strike out the word "within" and insert "at a certain day not exceeding." In the 7th page strike out from the word "constable" in the first line to the word "notwithstanding" in the 2d line inclusive, and insert "sheriff of the county where the said constable resides." In the 7th page strike out from the word "contempt" in the 7th line from the top to the word "justices" in the 8th line, and insert "to be made returnable before the." In the 13th line from the top of the 7th page, after the word "damage" insert in cases within the jurisdiction given to justices of the peace out of court by this act." In the 7th page strike out from the word "contract" in the 17th line from the top to the end of the page. At the end of the 7th page insert "And be it enacted, That if any constable to whom any warrant is delivered shall not make return thereof according to the command of the same, it shall be lawful for the justice who issued the said warrant, upon application of the plaintiff, or of his agent or attorney, and proof made of the delivery of the said warrant, by the confession of the said constable, or by the oath, or affirmation, as the case may require, of the said plaintiff, his agent or attorney, or any other credible witness, to call such constable before him, and unless a good excuse is offered, fine him for his said neglect any sum not exceeding seven shillings and six-pence; and if any constable shall make due return of any warrant, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him to the justice before whom the warrant shall be returned, it shall be lawful for the said justice to fine the said constable for such offence any sum not exceeding seven shillings and six-pence, and such justice may appoint another day, not exceeding fourteen days from the return day of the said warrant, for producing the body of the defendant; and in case the said constable shall not produce the body of the defendant on the appointed day, it shall be lawful for the said justice, at the request of the plaintiff, his agent or attorney, to enter judgment for the plaintiff for the amount of his debt, and costs, against such constable, on which judgment an execution may be issued by the said justice, directed to the sheriff of the county as aforesaid; provided, that it shall always be in the discretion of such justice, on due proof made that the constable could not produce the body of the defendant, because the said defendant was too ill to be removed, or for any other good cause, to appoint any other reasonable time for producing him, in which case he shall have power to enter judgment, and to issue execution against the said constable on default of producing the body of the defendant in the manner before directed; and provided also, that before any execution shall be issued against the said constable, the plaintiff, or his agent or attorney, shall make it appear to the satisfaction of the said justice that he has made or tendered to the said constable an assignment of his cause of action against the defendant.

"And be it enacted, That in case any sheriff shall neglect to make due return of any execution directed to him by virtue of this act, it shall be lawful for the justice who issued the said execution, on proof as aforesaid of the delivery of the writ of execution to the said sheriff, or either of his deputies, to fine such sheriff for every such neglect any sum not exceeding ten shillings current money; and in case any sheriff shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice, before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of the said execution, to enter judgment for the plaintiff against the said sheriff for the amount of the debt and costs, on which judgment execution may be issued, directed to the coroners of the county, or either of them, who are hereby required to execute the same; provided, that such judgment shall not be entered