

the several sheriffs shall have the same power to produce the defendants in court, and all other legal remedies against them for not appearing, as he might or could have had at any time during the session of the court to which such writs were returned or returnable." Resolved in the affirmative.

On motion, the question was put, That the word "proper" be inserted between the words "the" and "county" in the 24th section? Resolved in the affirmative.

The question was then put, That the words "where the defendant or defendants in said scire facias mentioned reside" be stricken out of said section? Resolved in the affirmative.

On further progression, the question was put, That the following words be stricken out of the 35th section, viz. "and unless the value of the thing claimed, or the real, not the nominal, damages demanded, or the sum really and actually due, exceeds one hundred dollars, in such case the court may continue such actions to the end of the second court after the imparlance court, any thing in any law to the contrary notwithstanding." Determined in the negative.

On further progression, the question was put, That the words "or where any diminution shall hereafter be suggested in any case now depending therein, or in any appeal which shall hereafter be prosecuted from any judgment obtained in the late general court," be inserted in the 39th section between the words "appeals" and "the." Resolved in the affirmative.

On further progression, the question was put, That the following be inserted between the 45th and 46th sections, viz. "Be it enacted, That after the passage of this act that it may and shall be lawful in all cases of debt on bond, note or account, where the sum claimed shall be ascertained by such bond, note or account, as aforesaid, that any debtor and creditor may have it in their power, during the recess of the county court, to apply to the clerk of said court, and such clerk, on the application of the parties as aforesaid, by and with their consent and direction, may enter judgment, by confession, for such sum of money as shall be ascertained as aforesaid, subject to such terms as may be agreed on by the parties interested, without any writ or other process being issued for the recovery of such claim; and such judgments, so entered as aforesaid, shall have the same effect, to every legal intent and purpose, as judgments entered in court during its sitting; and all judgments, entered as aforesaid, shall be valid, and not subject to reversal, owing to any matter or form, any law to the contrary notwithstanding. And be it enacted, That at the time of entering up any judgment as aforesaid, that the plaintiff, in all cases, shall deliver to the clerk the bond, note or account, as the case may be, on which the judgment was entered, and the clerk shall cause the same to be filed in his office; and for all such services as aforesaid, rendered by the clerk, it shall be lawful for him to receive the same fees as are prescribed by law in cases of a like nature in court, and no more." Determined in the negative.

The house proceeded to the consideration of the 22d section, viz.

"And, whereas in several of the county courts judgments by default have been entered against the sheriff upon executions, and the said court stood adjourned to a day subsequent to the aforesaid thirtieth of November, eighteen hundred and five, for the benefit of the sheriff, and the said sheriffs are now deprived of the benefit of said adjournment, and the judgments might thereupon be considered final, and it is unreasonable that the said sheriffs should be made thus liable for the same; Be it enacted, That in all cases where, upon the execution docket of any county court, judgments by default have been entered against the sheriff, and the said court was adjourned to a day subsequent to the said thirtieth day of November, at which adjourned court such judgments by the court might have been struck out, if the said court had not been changed or abolished, the said judgments shall not be final and conclusive against said sheriff, until the second day of the first court to be held after the passing of this act, in said county, and no execution shall issue thereon till then, or if issued prior to the passage of this act, shall, upon motion to the court, be quashed, without costs, any law to the contrary notwithstanding."

On motion, the question was put, That the said section be stricken out? Resolved in the affirmative.

The question was then put, That the following be inserted in lieu of the section stricken out? viz. "And be it enacted, That in all cases where judgments by default have been obtained in any court of this state against any sheriff or coroner, which defaults might by the court in which the same were entered, have been struck out if the said court had not been changed or abolished, it shall and may be lawful for such sheriff or coroner, against whom such judgment was entered, to produce the defendant or defendants for the non-production of whom such default was entered, to the next county court that shall sit in the county in which such judgment was entered, during the first three days of the sitting thereof, and such defendant or defendants shall thereupon by the said court be committed, or the execution entered not called by consent, in the same manner as might or could have been done at the court from which the same issued, or to which the same was returnable, and thereupon such judgment by default shall be struck out." Resolved in the affirmative.

The house adjourns until to-morrow morning 9 o'clock.

S A T U R D A Y, January 4, 1806.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill for the relief of Richard Gittings and Lambert Smith, of Baltimore county, insolvent debtors, and the bill to declare what shall be evidence in certain cases therein mentioned, were sent to the senate by the clerk.