

proof that he received it for collection according to law, shall be sufficient *prima facie* evidence to entitle the plaintiff to recover in such suit, unless the defendant shall prove that the constable has discharged his duty in such case according to law.

State v Turner, 16 Md. 512. *Akin v. Denny*, 37 Md. 81.

P. G. L., (1860,) art. 23, sec. 21. 1842, ch. 263, sec. 2.

21. The bond of the constable, which shall be in force at the time he shall receive claims for collection, shall be liable to be sued and recovered upon, in cases under the preceding section, unless it shall appear in proof that after using reasonable diligence, he was prevented from recovering the money from the defendant, by a *supersedeas* of the judgment recovered against him, or an injunction or *certiorari*, or unless the powers of the constable shall cease before he could, by execution and the use of proper diligence, recover such claim.

State v Turner, 16 Md. 512.

Ibid. sec. 22. 1842, ch. 263, sec. 3.

22. The preceding section shall not preclude any creditor from instituting suit upon any other bond of the constable, if neglect, default or breach of duty shall arise during the term of office of the constable under such bond.

Ibid. sec. 23. 1820, ch. 185, sec. 1.

23. Where any constable shall receive money and shall fail to pay the same to the party to whom the same is due, or to his executors, administrators or assigns, any justice, on application of the party, his executors, administrators or assigns, may issue a summons against the constable for the money by him received, and may direct said summons to any constable or other person willing to serve the same; and on return of such summons, the justice shall proceed as in other cases.

Spiker v Nydegger, 30 Md. 315.

Ibid. sec. 24. 1820, ch. 185, sec. 2.

24. Upon a judgment rendered under the preceding section, the constable shall not be allowed a *supersedeas*, but execution may issue forthwith.