

ons of this act, there shall be a judgment entered in favour of the defendant.

3. **AND BE IT ENACTED**, That on the return of an execution founded on a judgment purchased, assigned or transferred, to any sheriff, deputy sheriff or constable, it shall and may be lawful for the person who shall have been executed as aforesaid to allege, in writing, to the court or magistrate before whom such execution shall be returned, that such judgment has been purchased, assigned or transferred, contrary to the provisions of this act, and the court to whom such allegation shall be made, shall thereupon cause an issue to be made, and a trial before a jury to be had, and if it shall appear by the finding of the jury, that such purchase, assignment or transfer, has been made contrary to the provisions of this act, the court shall thereupon cause an entry to be made that such judgment is discharged, and an execution may thereupon issue to restore any sum or sums of money that has been raised under any such execution, and if such execution shall be returnable before a single magistrate, such magistrate, on such allegation being made, shall, in a summary way, determine the fact, and if such purchase shall appear to have been made, shall cause the said judgment to be entered discharged, and issue execution as before directed where returned to a court; *Provided*, that nothing contained in this act shall prevent, or be construed to prevent, any sheriff or coroner of this state from receiving an assignment of, and bringing suit on, any cause of action assigned to such sheriff or coroner under and in virtue of an act which passed in the year seventeen hundred and sixty-eight*, entitled, An act for the recovery of certain americiaments, and also upon defaults on executions, and recovering the money due thereon, agreeably to the provisions of said act; *And provided*, that any sheriff or coroner of this state shall also be entitled to all the benefits and advantages reserved to such sheriff or coroner under and in virtue of the act which passed in the year seventeen hundred and ninety-four†, entitled, An act for the amendment of the law in certain cases, any thing in this act contained to the contrary notwithstanding.

Execution to issue to restore money raised under an execution on judgment purchased contrary to this act.

Proviso.

* Ch. 10.

† Ch. 54.

CHAP. CVIII.

An Additional Supplement to an act (a), entitled, An act to erect Baltimore-Town, in Baltimore County, into a City, and to Incorporate the Inhabitants thereof. Lib. TH. No. 1, fol. 164.

Passed Jan 28 609

(a) 1796, ch. 68. See 1803, ch. 93; 1807, ch. 152; and 1817, ch. 148.

WHEREAS it is represented to this general assembly, by the mayor and city council of Baltimore, that certain alterations in the charter of that city would be productive of considerable advantage, and they having prayed that the following amendments may be made thereto; and the same appearing reasonable, therefore,

Preamble.

2. **BE IT ENACTED**, by the General Assembly of Maryland, That the mode of voting at the city elections shall hereafter be by ballot, in the same manner as delegates to the general assembly now are elected, and that such elections shall commence and close at the same times of the day as other elections do now open and close.

Voting at city elections to be by ballot, &c.

3. **AND**, whereas by the act of incorporation of said city, the corporation are to provide for the safe keeping and preservation of the standard of weights and measures fixed by congress, and for the regulating thereby all weights and measures used within the city and precincts, and inasmuch as congress have not yet fixed any