

445

for their inspection and examination; and the governor and council, after having received the returns, papers and instruments aforesaid, shall enumerate and ascertain the number of votes for each and every candidate and person so as aforesaid polled and voted for as an elector respectively, and shall thereupon declare, by proclamation signed by the governor, and without delay dispersed through the state, the name of the person duly elected as elector in each respective district.

Electors to assemble, &c.

VI. **And be it enacted,** That the electors, so as aforesaid to be chosen, shall assemble on such day as the congress of the United States have or shall hereafter from time to time determine and appoint, at the city of Annapolis, and shall then and there perform the duties enjoined upon them by the constitution of the United States, agreeably to the directions thereof.

VII. **And,** whereas it may happen, that in the election of the said electors two or more of the said candidates may have an equal number of votes, **Be it enacted,** That in such case the governor and council shall determine, by lot, from the candidates who shall have an equal number of votes as aforesaid, who shall be the elector for the said respective districts.

Governor, &c. to determine by lot, &c.

VIII. **And be it enacted,** That all acts, or parts of any former acts of this state, repugnant to or inconsistent with the provisions hereof, shall be and the same are hereby declared to be repealed.

Acts, &c. repealed.

C H A P. LXXIV.

An ACT for the more speedy and effectual recovery of fines, penalties and forfeitures.

Passed December 24.

WHEREAS doubts are entertained whether, under the existing laws of this state, a writ of *capias ad satisfaciendum* can be issued for the recovery of any fine, penalty or forfeiture; for remedy whereof,

Preamble.

II. **Be it enacted, by the General Assembly of Maryland,** That it shall and may be lawful for the attorney-general of this state, or either of his deputies, *ex-officio*, and they are hereby directed and required, on the application of the sheriffs of the respective counties in this state, to order a writ or writs of *capias ad satisfaciendum* to be issued for the recovery of all fines, penalties and forfeitures, which have or hereafter may be imposed by any court of record in this state, together with the costs accruing thereon.

Attorney-general, &c. may order writs, &c.

III. **And be it enacted,** That all fines, forfeitures and penalties, together with costs due on the same, shall hereafter be paid to the several and respective sheriffs to whom any such writ of *capias ad satisfaciendum* shall be directed, who shall, on or before the tenth day of November annually hereafter, pay over to the treasurer of the western or eastern shore on which they shall respectively reside, all such sums of money, except the costs, as they shall have respectively received on account of the same.

Fines, &c. to be paid to the sheriffs, &c.

IV. **And be it enacted,** That it shall be the duty of the several and respective sheriffs to whom such writs of *capias ad satisfaciendum* shall be directed, to return the same to the courts to which they shall be made returnable, at the term next succeeding the issuing of the same; and whenever the sheriff to whom such writ or writs shall be directed, shall make return that he has taken the body or bodies of the person or persons against whom such writ or writs shall have issued, such sheriff shall be obliged, either to acknowledge in open court the receipt of the full amount of such fines, forfeitures and penalties, with the costs due thereon, for the recovery of which such writ or writs shall have issued, or to produce the body of every such person who shall have been so taken by him to the court to which the said writ shall be returned, and in default thereof, the said court, upon motion of the attorney-general, or of his deputy, shall order judgment to be entered up against such defaulting sheriff for the amount of the same and costs.

Who are to return the writs, &c.