

day of December yearly, make out and deliver unto the governor and the council for the time being, complete lists of all such forfeitures and fines as shall be incurred in their respective courts, under the penalty of two hundred pounds current money for every neglect or omission so to do; and the said attorney-general and his deputies shall also make out and deliver unto the treasurer of the western shore, on or before the said fifteenth day of December yearly, complete lists of the said forfeitures and fines arising in the counties in which they shall respectively prosecute, under the like penalty; provided, that nothing in this act contained shall extend, or be construed to extend, to prevent the several courts, as they might heretofore lawfully do, *from* committing any person or persons *from* the non-payment of any fine or fines imposed, if they shall deem it expedient so to do. (For)

The clerk is directed to make his returns to the treasurer. See Index word 'Clerk.'

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#### CHAPTER 15.

AN ACT to open the Courts of Justice, and for other purposes.

All the provisions of this bill are of the restricted character indicated in the title, and were designed to open the courts which were shut by the convention, from 14th August, 1775, until they should be 'opened by the order of the convention, or by an act of assembly'—except the tenth section, which was repealed by 1812, ch. 178, and the abolition of the general court by act of 1804, ch. 65.

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#### CHAPTER 19.

AN ACT for holding an Election for Sheriffs in Somerset county, and to enable the governor and council to determine the validity of elections for sheriffs.

This act was designed to be particular and restricted in its character; yet the third section gives to the governor and council a general grant of great power.

SEC. 3. WHEREAS it is uncertain by our constitution what body has the power of determining the validity of elections for sheriffs, *Be it enacted*, That the governor for the time being, with the advice of the council, is hereby empowered to judge of and determine the validity of all elections for sheriffs, and if it shall appear that such elections have not been made fairly and freely, and agreeable to the constitution of this state, shall issue new writs of election for sheriffs agreeable to the directions of the form of government.

Governor,  
&c. to  
determine,  
&c.

By 1786, ch. 22, the governor and council may issue summonses for witnesses and compel their attendance, or direct depositions to be taken in the same manner as the general court; they are to give a copy of the complaint and notice of the time, and if the party does not then attend, may determine in his absence; they may adjudge the costs and expenses to be paid by either party, and compel payment in the same manner as the general court.