

by him for the use of this state; and if the officer so offending be the sheriff, he shall be committed to the coroner of the county, in whose custody he shall remain, without bail or mainprize, until the payment of the fine and fees aforesaid.

Sheriffs,
&c. to
make
return by
mail.

SEC. 7. *And be it enacted*, That it may be lawful for every such sheriff, coroner, or other officer, to return any writ or other process, so directed to him to be served, to the clerk of the court to which the same is made returnable, by the mail, in a letter or cover sealed up and duly addressed; but the non-return of such process, by the time herein before limited, shall not be excused by any evidence which such sheriff, coroner, or other officer, may offer, to prove that such writ or process was deposited in the post-office to be so transmitted, except the positive affidavit, in writing, of such officer himself, setting forth substantially the process so transmitted, the return endorsed thereon, the manner in which the same was covered and addressed, and the actual time when the same was deposited in the post-office; and if the justices of the court, before whom such sheriff, coroner or other officer, shall appear, or be brought by process of attachment as aforesaid, shall be satisfied of the facts contained in such affidavit, and that such process was deposited in the proper post-office in due time, to be transmitted to the court, to which the same was made returnable, then and in such case the said justices may remit the fine aforesaid, and discharge such officer from the attachment on the payment of the costs arising from the proceedings had and made in consequence of the non-return of the writ or process herein before mentioned; and the said justices shall direct such affidavit to be filed, and their judgment in relation thereto to be entered on the record of their proceedings; *Provided nevertheless*, that nothing herein contained shall in any manner effect the remedy given to the party grieved by the first section of the 'act relative to the administration of justice,' passed at December session eighteen hundred and fifteen,* for the neglect or delay of any such sheriff, coroner, or other officer, in not making a due return of process directed and delivered to him as aforesaid.

Provido.

* Ch. 148.

See 1815, ch. 163, sec. 7, ante page 635.

CHAPTER 146.

AN ACT providing for the appointment of an Attorney-General, and of District Attorneys, in the several Judicial Districts of this state, and for Baltimore City Court.

Repealed by 1821, ch. 126.