

transcripts to be produced before them, or either of them, whenever they or either of them may be, for the purpose of passing such order, and in all criminal cases wherein the accused has been allowed to give bail; but if the court shall adjourn before he has secured the bail, the clerk of the court may take the bail, on its being directed by order of court before adjournment, or of one of the judges after adjournment, fixing the amount thereof; but the clerk shall accept no security without the oath or affirmation of the person offering himself as security that he or she is worth the amount of the bail in real or personal estate, exclusive of his or her right to exemption, nor unless the clerk shall be satisfied of the truth of such statement on oath or affirmation; and whenever a party is arrested on indictment in any of the circuit courts, and is imprisoned during the recess of the court, any judge thereof, if it be a bailable case, may, by his order in writing, fix the bail and direct the clerk to take the same, with security or securities, who shall justify on oath or affirmation as hereinbefore provided, and no security shall be taken whom the clerk is not fully satisfied to be worth the amount sworn to.

A judge has the power to direct the entry of a judgment during recess in any court in his circuit. This section was intended to enlarge the powers of the courts and judges during recess and has no effect upon, and is not in conflict with, section 6 of this article. The two sections are to be construed together. *Frostburg v. Tiddy*, 63 Md. 519.

An order in writing passed during recess, overruling a motion for a new trial, is valid under this section; but a verbal direction sent to the clerk to enter judgment (out of the presence of the judge), is disapproved. The term "open court," defined. *Hays v. Philadelphia, etc., R. R. Co.*, 99 Md. 419.

As to the powers of circuit courts on appeals from the county commissioners, see art. 5, sec. 85; see also, art. 25, sections 33 and 73.

Relief to Sheriffs and Collectors.

1904, art. 26, sec. 40. 1888, art. 26, sec. 38. 1860, art. 29, sec. 46.
1852, ch. 75, sec. 1. 1878, ch. 349.

40. On application by petition in writing to the several circuit courts or circuit judges and the superior court of Baltimore city of any sheriff or collector of the county and State taxes, or either of them, who has failed or neglected to collect any taxes or fees within the time prescribed by law, the court or judge may, on such terms as they may prescribe, by an order, extend the time of such sheriff or collector to complete the collections, which extension may be limited in the discretion of the court or judge, and may be renewed as may be deemed reasonable, and the said petition and orders shall be filed in the office of the clerk of the circuit court, or superior court, where such application is made, and on application of the legal representative of any deceased sheriff or collector he shall be entitled to avail himself of the provisions of this section as fully as such deceased sheriff or collector could do if living.

When the collector's time has been extended under this section, he can proceed by distress or in any way authorized during his term. *Baldwin v. State*, use *Hull*, 89 Md. 597.

As to tax collectors, see art. 81, sec. 33, *et seq.*; see also, art. 81, sec. 87. See art. 87, sec. 30, *et seq.*