

ARTICLE LXXXVII.

SHERIFFS.

39A. Fines, fees, etc., to be accounted for to State.

Fines and Penalties.

39.

This section referred to in construing section 40—see notes thereto. *Backus v. State*, 118 Md. 539.

See notes to article 15, section 1, of the Md. Constitution.

1912, ch. 418.

39A. The Sheriff of Baltimore City shall pay over to the State of Maryland all fines, fees and forfeitures collected by him in those cases in which he is denominated the informer or is denominated in any other manner whatsoever, and shall render an accounting thereof to the State of Maryland, and shall pay over the same at all times on the demand of the Comptroller.

Provided, that this section shall in no manner affect, determine or annul any proceeding at law or in equity now brought, pending or to be brought in the future by the State of Maryland against any sheriffs or former sheriffs of Baltimore City in which the cause of action or dispute or matter in issue involves or relates to the accounting of sheriffs or former sheriffs of Baltimore City who may be such prior to the taking effect of this act to the State of Maryland for fees due or alleged to be due by them to the State and received by them prior to the taking effect of this section.*

40.

Since no recognizance was given as provided by this section, and since no execution could be issued on such a recognizance had one been given until the recognizance had been properly forfeited, this section held inapplicable. A recognizance is an obligation of record, and when forfeiture is declared and entered by the court, it becomes a judgment and enforceable by execution. *Backus v. State*, 118 Md. 539.

42.

See notes to article 15, section 1, of the Md. Constitution.

See article 4, section 44, and article 15, section 8, of the Md. Constitution.

*The act of 1912, chapter 418, went into effect June 1, 1912.