

Fines and Penalties.

An. Code, sec. 39. 1904, sec. 39. 1888, sec. 38. 1795, ch. 74, sec. 7.

38. The sheriff shall be answerable for all fines, penalties and forfeitures imposed on the inhabitants of his county or of Baltimore city by any court of record of this State unless he can show that the party on whom the same was imposed is insolvent.

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

Cited but not construed in *Levy Court v. Ringgold*, 5 Pet. 451.

See notes to sec. 40, and to art. 15, sec. 1, Md. Constitution.

An. Code, sec. 39A. 1912, ch. 418.

39. 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.

An. Code, sec. 40. 1904, sec. 40. 1888, sec. 39. 1795, ch. 74, sec. 2. 1828, ch. 11, sec. 1.

40. He may require the state's attorney to issue an execution for all fines, penalties or forfeitures so imposed and the costs; provided that any person adjudged to pay a fine or penalty may enter into a recognizance with security for the payment of the same and costs within sixty days and no execution shall issue for the same until the expiration of the sixty days.

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 recognizance had been properly forfeited, this section held inapplicable. A recognizance is an obligation of record, and when forfeiture is declared and entered by court, it becomes a judgment and enforceable by execution. *Backus v. State*, 118 Md. 539.

The record of a recognizance taken in open court, held sufficient to overcome denial of cognisor, and of a supporting witness, that he entered into such recognizance. Practice in taking recognizances. Docket entries. Form of recognizance. *Albrecht v. State*, 132 Md. 152.

Cited but not construed in *Levy Court v. Ringgold*, 5 Pet. 451.

An. Code, sec. 41. 1904, sec. 41. 1888, sec. 40. 1795, ch. 74, sec. 4.

41. All such executions shall be returnable at the next term succeeding the issuing thereof.

An. Code, sec. 42. 1904, sec. 42. 1888, sec. 41. 1795, ch. 74, secs. 3-6.

42. All fines, forfeitures, penalties and costs imposed as aforesaid are to be paid to the sheriff, who shall pay the same, except the costs, to the