

## ARTICLE 38.

### FINES AND FORFEITURES.

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| <ol style="list-style-type: none"> <li>1. Mode of recovering.</li> <li>2. To whom paid when recovered.</li> <li>3. Informer's fees abolished.</li> </ol> | } | <ol style="list-style-type: none"> <li>4. Discharge from jail for non-payment of.</li> <li>5. Distribution of fines and forfeitures.</li> </ol> |
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An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1777, ch. 6. 1880, ch. 211.

1. When any fine or penalty is imposed by any act of assembly of this State or by any ordinance of any incorporated city or town in this State enacted in pursuance of sufficient authority, for the doing of any act forbidden to be done by such act of assembly or ordinance, or for omitting to do any act required to be done by such act of assembly or ordinance, the doing of such act or the omission to do such act shall be deemed to be a criminal offense; such offense in the city of Baltimore shall be prosecuted by the arrest of the offender for such offense and by holding him to appear in or committing him for trial in the criminal court of Baltimore, which said court shall have jurisdiction in the said cases and shall proceed to try or dispose of the same in the same manner as other criminal cases may be tried or proceeded with or disposed of, or such offenses may be prosecuted by indictment in such court; such offenses in any county of this State shall be prosecuted by the arrest of the offender for such offense and by holding him to bail to appear in or committing him for trial in the circuit court for the county in which such offense was committed, or by indictment in the circuit court for such county for such offense. If any person shall be adjudged guilty of any such offense by any court having jurisdiction in the premises, he shall be sentenced to the fine or penalty prescribed by such act of assembly or ordinance and to the costs of his prosecution; and in default of payment thereof he shall be committed to jail until thence discharged by due course of law. Any indictment for the violation of any ordinance of any incorporated city or town of this State may conclude "against the form of the ordinance in such case made and provided and against the peace, government and dignity of the State."

In default of payment of fine and costs imposed upon a prisoner, he should have been committed to jail until fine and costs were paid, and as fine and costs exceeded \$150 and did not exceed \$500, he should have remained in custody for ninety days as provided by sec. 4. *Backus v. State*, 118 Md. 538.

As to fines and penalties for military offenses, see art. 65.

Repeal of statute does not preclude action or prosecution for penalty or liability already incurred—art. 1, sec. 3.

This and following section referred to in upholding act 1910, ch. 693, conferring jurisdiction upon justices of the peace over violations of regulations relative to moving picture machines, although no provision was made therein for a jury trial. *State v. Loden*, 117 Md. 385.

Under this section, the court has the power to commit an offender to jail who has not the money to pay his fine, although the offense is punishable by fine only. *Dean v. State*, 98 Md. 84.

Under act, 1880, ch. 211, proceedings in all instances for recovery of fines must be by indictment. This section construed in connection with local act, 1882, ch. 451, relative to sale of fertilizers in Harford County. *Snowden v. State*, 69 Md. 207.

For an indictment under this section, see *State v. Mott*, 61 Md. 305.

Cited but not construed in *Ex Parte Watkins*, 7 Pet. 568.