

## CHAPTER 162.

Passed May 5, 1853. AN ACT for the regulation of the issue, service and return of *capias* and *subpœnas* in criminal cases in Baltimore city.

Duty of sheriff SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall be the duty of the sheriff to make return of all *capias* upon presentment or indictment within four days after such *capias* is to him delivered by the clerk of the criminal court, and in case said *capias* is returned *non est*, it shall be the duty of the said clerk in the discretion of the State's attorney for the city of Baltimore, to order said *capias* to be re-issued, and the same *capias* shall be again delivered to the sheriff, and the date of the first return thereof shall be endorsed thereon, and the second return shall be made within the time heretofore specified in this act, and in case the said *capias* is returned a second time *non est*, the said *capias* shall be again so endorsed, and shall be again delivered to the sheriff.

Fees. SEC. 2. *And be it enacted,* That the clerk of the criminal court and the sheriff of Baltimore city, shall be allowed only the fees for the issue of one *capias*, or for the service of one *capias* in each term, however often the said *capias* may be re-issued or returned.

Penalty. SEC. 3. *And be it enacted,* That the Sheriff of Baltimore city shall be subject to a penalty of five dollars in each and every case in which returns are not made within the times prescribed by this act.

Subpœnas to be returned within six days. SEC. 4. *And be it enacted,* That all *subpœnas* for witnesses shall be returned by the said sheriff within six days after the same are issued by the clerk, or within six days after the day of the renewal of such *subpœnas*, unless the same are ordered to be returned immediately, in which case the said *subpœnas* shall be so returned, if if practically and the said sheriff shall be allowed for the service of one *subpœna* only against any witness who may be returned *non est*, and for whom the said *subpœna* may be renewed, whether once or oftener in the said term, and it shall be the duty of the clerk in case the said *subpœna* is renewed by the order of the State's attorney or by the counsel of the prisoner or traverser to endorse the fact of such renewal or renewals upon the back of the said *subpœna*, and the said *subpœna* shall have all the legal effect of a new *subpœna* issued in the term of the said court, during which the said *subpœna* was first issued.