

Dec. Ses. 1817

Sheriffs &c. to
make return
by mail.

Proviso.

county court of the county wherein such sheriff, coroner, or other officer, shall reside; and the justices of the same county court, to whom the said transcript shall be transmitted, or any one or more of them, shall forthwith cause such sheriff, coroner, or other officer, to appear before them, or otherwise to be brought before them by process of attachment, and require him to pay the said fine, or commit him to the prison of their county until the payment thereof, and of the fees lawfully accruing by such proceeding; and such fine shall be paid to the clerk of such court, and accounted for by him to the treasurer of his respective shore, in like manner as other sums of money received by him for the use of this state; and if the officer so offending be the sheriff, he shall be committed to the coroner of the county, in whose custody he shall remain, without bail or mainprize, until the payment of the fine and fees aforesaid.

7. *And be it enacted*, That it may be lawful for every such sheriff, coroner, or other officer, to return any writ or other process, so directed to him to be served, to the clerk of the court to which the same is made returnable, by the mail, in a letter or cover sealed up and duly addressed; but the non-return of such process, by the time herein before limited, shall not be excused by any evidence which such sheriff, coroner, or other officer, may offer, to prove that such writ or process was deposited in the post office to be so transmitted, except the positive affidavit, in writing, of such officer himself, setting forth substantially the process so transmitted, the return endorsed thereon, the manner in which the same was covered and addressed, and the actual time when the same was deposited in the post-office; and if the justices of the court, before whom such sheriff, coroner, or other officer, shall appear, or be brought by process of attachment as aforesaid, shall be satisfied of the facts contained in such affidavit; and that such process was deposited in the proper post-office in due time, to be transmitted to the court, to which the same was made returnable, then and in such case the said justices may remit the fine aforesaid, and discharge such officer from the attachment on the payment of the costs arising from the proceedings had and made in consequence of the non-return of the writ or process herein before mentioned; and the said justices shall direct such affidavit to be filed, and their judgment in relation thereto to be entered on the record of their proceedings; *Provided nevertheless*, that nothing herein contained shall in any manner affect the remedy given to the party grieved by the first section of the "act relative to the administration of justice," passed at December session eighteen hundred and fifteen, for the neglect or delay of any such sheriff, coroner, or other officer, in not making a due return of process directed and delivered to him as aforesaid.

CHAPTER 140.

Passed Feb 7.

Divorce grant-
ed.C. Henry's
right to pro-
perty annull-
ed.

An act for the relief of Mary Henry of Frederick County
Sec. 1. *Be it enacted by the General Assembly of Maryland*, That Mary Henry, of Frederick county, be and she is hereby divorced from bed, board, and mutual cohabitation with her husband, Charles Henry.

2. *And be it enacted*, That all the right and title which the said Charles Henry, by virtue of his marriage with the said Mary Henry, had acquired to any property to which she is or may be