

aforesaid, or that he returned contrary thereto, the court shall direct the fact to be tried by the jury, and if they find against the person, the court shall pass such judgment as the law requires for the crime committed.

1904, art. 41, sec. 8. 1888, art. 41, sec. 8. 1860, art. 42, sec. 9. 1782, ch. 12, sec. 1. 1904, ch. 552.

8. The governor may remit the whole or any part of any recognizance which may be forfeited; provided, the judge of the court in which such forfeiture took place shall recommend the remission of the whole or some part thereof. And provided further that the governor may remit the whole or any part of any recognizance taken by a justice of the peace and forfeited upon recommendation of said justice of the peace, or upon such other recommendation or statements of the fact as the governor may deem satisfactory.

Ibid. sec. 9. 1888, art. 41, sec. 9. 1860, art. 42, sec. 10. 1828, ch. 129, sec. 17.

9. The part of any fine or forfeiture belonging to an informer shall not be remitted by the governor, but he may remit any fine or forfeiture, or any part thereof, not belonging to an informer.

Ibid. sec. 10. 1888, art. 41, sec. 10. 1860, art. 42, sec. 11. 1832, ch. 155.

10. No *nolle prosequi* shall be granted by the governor but on condition that the costs of prosecution shall be paid by the person applying for the same.

Until the condition is performed, the *nolle prosequi* is inoperative. *State v. Morgan*, 33 Md. 47.

Ibid. sec. 11. 1888, art. 41, sec. 11. 1860, art. 42, sec. 12. 1782, ch. 42, sec. 5.

11. The governor may remit the whole or any part of any fine imposed by any militia court martial.

Ibid. sec. 12. 1888, art. 41, sec. 12. 1860, art. 42, sec. 13. 1786, ch. 22, sec. 2.

12. Upon complaint made against any civil or military officer who can be removed or suspended by the governor, the governor may summon before him any witnesses to testify for or against such complaint, and may allow such witnesses one dollar a day for their attendance, and itinerant charges, and may enforce the attendance of such witnesses in the same manner as the courts may.

Sections 12, 13 and 14 do not contemplate either a suspension or removal of a civil officer before a hearing. This and the following sections referred to in deciding that the governor had no express power to suspend a civil officer, and that such power was not implied from the power to remove upon trial. *Cull v. Wheltle*, 114 Md. 84.

Without this section, and sections 13 and 14, the powers therein given could not be exercised by the governor, such powers not being conferred upon him by implication. *Groome v. Gwinn*, 43 Md. 628. And see *Cull v. Wheltle*, 114 Md. 85.

The governor's proceedings held to be in accordance with sections 12 to 14. Construction of article 2, section 15, of the Maryland constitution. *Harman v. Harwood*, 58 Md. 10. And see *Cull v. Wheltle*, 114 Md. 84.