

Part VII.—Sheriffs.

Sec. 44. There shall be elected in each county in every second year, one person, resident in said county, above the age of twenty-five years, and at least five years preceding his election, a citizen of the State, to the office of Sheriff. He shall hold office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification, or removal from the county, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

In the City of Baltimore at the general election to be held in the year 1915 and every four years thereafter, there shall be elected in said City of Baltimore, one person who shall be a resident of said city, above the age of twenty-five years, and who shall have been at least five years preceding his election a citizen of this State, to the office of Sheriff. He shall hold his office for four years, and until his successor is duly elected and qualified; shall be eligible for re-election; shall give such bond, exercise such powers and perform such duties as now are or may hereafter be fixed by law. The Sheriff elected in and for the City of Baltimore in November, 1913, shall be eligible for re-election.

In case of vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification or removal from said City, the Governor shall appoint a person to be Sheriff for the remainder of the official term. The Sheriff hereafter elected and the Sheriff elected in and for the City of Baltimore on the 7th day of November, 1913, shall from the date of his qualification receive such salary as may be fixed by law, not to exceed six thousand dollars per year in any case, and such expenses necessary to the conduct of his office, as may be fixed by law, such salaries and expenses to be paid in such manner and at such times as may be prescribed by law.¹

It is the duty of the sheriff to attend in person or by deputy the law courts of Baltimore city and of the counties. See notes to art. 15, sec. 1, of the Constitution. *Green v. State*, 122 Md. 294.

The act of 1901, ch. 15, taking the control and supervision of the Anne Arundel county jail and prisoners therein from the sheriff, held not to conflict with this section; the legislature has the power to abridge the rights and duties of a sheriff, who is a mere ministerial officer. *Beasley v. Ridout*, 94 Md. 652.

Since this section does not prescribe the duties of sheriffs, the legislature may add to or diminish such duties, provided those added be not in conflict with his office as sheriff. *Baltimore v. State*, 15 Md. 488; *Beasley v. Ridout*, 94 Md. 654; *Green v. State*, 122 Md. 294.

This section (as it stood in the Constitution of 1851) referred to in deciding that a collector's bond was effective from the time the sureties and principal part with it for transmission. *Broome v. United States*, 15 How. 143.

A sheriff is not qualified to act as such, nor bound to discharge the duties of his office simply by causing a bond to be signed by himself and his securities which has not been approved. Liability of sheriff's bond. *Bruce v. State*, 11 G. & J. 382. *Cf. State v. Harrison*, 9 G. & J. 17. And see *Roberts v. Gibson*, 6 H. & J. 116.

¹ Thus amended by act of 1914, ch. 845, ratified November 3, 1914.