

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1780, ch. 10, sec. 2.

8. Such bail-bond shall be taken in the name of the State and shall be returned to the court to which such writ is returnable on the first day thereof.

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 9. 1793, ch. 60, sec. 1.

9. When a sheriff shall return any person arrested upon criminal process, either mesne or final, and shall fail to bring such person into court and shall be amerced, the court may, in the name of the State for the use of the State, or such person as may be interested, on motion of the state's attorney, direct judgment to be entered against such sheriff for the sum for which he shall have been amerced, or for the fine, penalty or forfeiture and costs for which judgment may have been entered against the person so arrested, which judgment shall have the same effect as if rendered on verdict.

For a case involving act of 1768, ch. 10, sec. 1, see *State v. Lawson*, 2 Gill, 73. See secs. 11 and 12, and notes to the latter.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 10. 1793, ch. 60, sec. 2.

10. The court in imposing such amercements shall govern themselves by such principles as under all circumstances shall appear to them to be reasonable, taking care to keep the State and county or city of Baltimore indemnified from all costs and charges.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 11. 1794, ch. 54, sec. 2.

11. If any sheriff shall fail to return an original writ within the time limited by rule of court for that purpose, the court, on motion, shall amerce the sheriff to the amount of the debt or damages and costs due from the defendant, to be ascertained by the oath of the plaintiff, his agent or attorney, and such other proof as the court may require, and shall enter judgment *nisi* the second day of the next term thereafter for the amount of the amercement aforesaid, in the name of the plaintiff, against such sheriff; which judgment shall have the same effect as if rendered upon verdict.

See notes to sec. 12.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 12. 1794, ch. 54, sec. 1.

12. If any sheriff shall fail to make return of a writ of execution within the time limited by rule of court for that purpose, the court may cause judgment to be entered in the name of the plaintiff against such sheriff for the amount of the judgment recited in such execution, which judgment shall have the same effect as a judgment rendered on verdict:

A judgment by default under this section is equally as valid as a judgment on verdict. The fact that debtor (against whom the sheriff fails to make return on execution) has secured an injunction against creditor from proceeding on his judgment does not *per se* entitle sheriff to same relief as to judgment against him under this section. When judgment against sheriff will be arrested. *Fowler v. Lee*, 10 G. & J. 360.

Unless there is an affidavit that execution has been delivered to sheriff, or that a copy of rule on sheriff to return it has been served upon him, court cannot enter judgment against sheriff. *Cadwallader v. Ringgold*, 4 H. & J. 564.

See art. 83, sec. 1, *et seq.*