

proceedings in the case have been certified to him as hereinbefore provided, to issue a warrant to the Warden of the Maryland Penitentiary, ordering and directing him to execute said judgment at such time as in his warrant he shall appoint.

An. Code, 1924, sec. 410. 1922, ch. 465, sec. 6. 1933 (Special Sess.), ch. 100.

488. Immediately upon sentence of death being pronounced upon any convict by any Court of this State, the convict shall be taken into custody by the Sheriff of the county or city wherein he was indicted, and held by him under such guard or guards as the Sheriff shall determine to be necessary, and as soon thereafter as possible, said convict shall be, by the said Sheriff delivered to the Warden of the Maryland Penitentiary, where he shall be placed in solitary confinement under such guard or guards as might be necessary, to await the execution of his sentence by the said Warden as aforesaid. No expense incident to the detention of the said convict in the Maryland Penitentiary, including the expense of guarding, lodging, feeding, clothing and caring for such convict, shall be assessed against, billed to or paid by the County Commissioners of the County where said convict was indicted, or the Mayor and City Council of Baltimore, if indicted in Baltimore City.

No expense incident to the guarding, lodging, feeding, clothing and caring for any person sentenced to any State institution shall be assessed against, billed to or paid by the County Commissioners of the County where such person was indicted, or the Mayor and City Council of Baltimore, if indicted in Baltimore City, irrespectively of whether or not the judgment, upon which such sentence is imposed, is thereafter reversed.

County Commissioners liable for per diem of guards as fixed by sec. 768 even if execution does not take place due to commutation of sentence. *State v. Anne Arundel Co.*, 166 Md. 223 (decided prior to act of 1933 [Special Sess.], ch. 100).

An. Code, 1924, sec. 411. 1922, ch. 465, sec. 7.

489. Should the condemned felon, while in the custody of the Warden of the Maryland Penitentiary or the Sheriff of the county or city where he was indicted, be granted a reprieve by the Governor, or should the execution of the sentence be stayed by any competent judicial proceeding, notice of such reprieve or stay of execution shall be served upon the said Warden or Sheriff, as well as upon the condemned felon, and the said Warden or Sheriff shall yield obedience to the same, and said felon shall remain in the custody of said Warden or Sheriff where he happens to be at the time of that notice. In any subsequent proceeding the mandate of the Court having regard to the condemned felon, shall be served upon the Warden or Sheriff, then having said felon in custody, as well as the said felon. Should the said felon be resented by the Court, then the proceedings shall be as hereinbefore provided under the original sentence. Should a new trial be granted such condemned felon after he has been conveyed to the Penitentiary, then he shall be conveyed back to the place of trial by such guard or guards as the Warden may direct, their expenses to be paid as is now provided by law for the conveyance of convicts to the House of Correction.

An. Code, 1924, sec. 412. 1922, ch. 465, sec. 8.

490. Upon application of the relatives of the person convicted, the body after execution shall be returned to their address and at their cost, other-