

Fines and Penalties.

38. To be answerable for, when imposed by court.
39. Fines, fees, etc., to be accounted for to state.
40. May require state's attorney to issue execution for.
41. When returnable.
42. To be payable to sheriffs, and by them to state treasurer, when.
43. What costs to be deducted.

Custody of Prisoners.

44. To keep safely all committed to their custody.
45. To provide food and board for; care of sick prisoners.
46. Custody of prisoners committed under authority of United States.

Deputy Sheriffs.

- 47-51. Members of fire companies may be designated as deputy sheriffs, when; Baltimore County only.

Oath of Office and Bond.

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1852, ch. 172, sec. 5. 1854, ch. 18, sec. 9.

1. Every sheriff elected shall, within thirty days after his commission has been received by the clerk of his county or of the superior court of Baltimore City, make the declaration of religious belief required by the constitution and also take the oath therein prescribed before such clerk.

As to sheriffs, see art. 4, sec. 44, and art. 15, sec. 8, Md. Constitution.

See art. 70, sec. 13, An. Code.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1794, ch. 54, sec. 8. 1894, ch. 647. 1900, ch. 452. 1906, ch. 39. 1908, ch. 372. 1910, ch. 179 (p. 297). 1939, chs. 267 & 568.

2. He shall also, before he acts as such, give bond to the State of Maryland in the penalty of twenty-five thousand dollars, with security, to be approved by the two judges of the Orphans' Court or a judge of the Circuit Court for his county, if he be elected for a county, or by two judges of the Orphans' Court of Baltimore City, or a judge of the Superior Court of Baltimore City, if he be elected for said city, with condition that he shall well and faithfully execute the office of sheriff of County or the City of Baltimore, in all things appertaining thereto, and shall well and truly perform all the duties required by law to be by him performed; provided, that the sheriffs elected for Somerset, Harford, Calvert, Howard, Carroll, Cecil, St. Mary's, Dorchester, Anne Arundel, Queen Anne's, Wicomico, Garrett, Worcester, Montgomery, Kent, Talbot, Baltimore and Caroline Counties shall be required to give bond in the penalty of ten thousand dollars, and for no greater sum.

Bond of sheriff liable for acts done by virtue of office, but not for acts done by color of office. Illegal arrest and detention—bond not liable. *State v. Fid. & Dep. Co.*, 147 Md. 196.

Art. 87 cited in construing Art. 25, Sec. 21. *Talbot Co. v. Carroll*, 172 Md. 387.

This section does not declare that a failure to comply literally with form of bond shall avoid the bond. Substance and not form controls. Bond held to be in substantial compliance with this section. What is sufficient proof of attestation of two judges of orphans' court. The failure of such judges to attest bond does not affect its validity. *Young v. State*, 7 G. & J. 259.

A sheriff is not qualified to act, nor bound to discharge duties of his office, simply by signing a bond and having it signed by his sureties without its being approved. The bond is only effectual from date of its approval. The sureties on a sheriff's bond are only liable for acts of a legally constituted sheriff. *Bruce v. State*, 11 G. & J. 386. And see *Broome v. United States*, 15 How. 156; *Milburn v. State*, 1 Md. 20, and note (c).

That sheriff's bond which was in force at time default took place must be sued. *State v. Turner*, 8 G. & J. 126. See also *Heuitt v. State*, 6 H. & J. 97.

The bond of a deputy sheriff is not liable for collection of state and county taxes, though taxes be mentioned in condition of bond. *Amos v. Johnson*, 3 H. & McH. 216.