

with security for the payment of the same and costs within sixty days and no execution shall issue for the same until the expiration of the sixty days.

Since no recognizance was given as provided by this section, and since no execution could be issued on such a recognizance had one been given until recognizance had been properly forfeited, this section held inapplicable. A recognizance is an obligation of record, and when forfeiture is declared and entered by court, it becomes a judgment and enforceable by execution. *Backus v. State*, 118 Md. 539.

The record of a recognizance taken in open court, held sufficient to overcome denial of cognisor, and of a supporting witness, that he entered into such recognizance. Practice in taking recognizances. Docket entries. Form of recognizance. *Albrecht v. State*, 132 Md. 152.

Cited but not construed in *Levy Court v. Ringgold*, 5 Pet. 451.

An. Code, 1924, sec. 41. 1912, sec. 41. 1904, sec. 41. 1888, sec. 40. 1795, ch. 74, sec. 4.

**41.** All such executions shall be returnable at the next term succeeding the issuing thereof.

An. Code, 1924, sec. 42. 1912, sec. 42. 1904, sec. 42. 1888, sec. 41. 1795, ch. 74, secs. 3-6.

**42.** All fines, forfeitures, penalties and costs imposed as aforesaid are to be paid to the sheriff, who shall pay the same, except the costs, to the treasurer on or before the tenth of November in each year, and the costs to the person entitled to receive them; provided when any person is entitled to any part of a fine, forfeiture or penalty as informer or otherwise the same shall be paid by said sheriff to such person.

This section referred to in construing art. 38, secs. 2 and 3. *Baltimore v. Deegan*, 163 Md. 235.

This section referred to in construing art. 15, sec. 1, of the Constitution—see notes thereto. *Green v. State*, 122 Md. 293.

See notes to art. 15, sec. 1, Md. Constitution.

An. Code, 1924, sec. 43. 1912, sec. 43. 1904, sec. 43. 1888, sec. 42. 1795, ch. 74, sec. 6. 1820, ch. 120.

**43.** The sheriff shall deduct from each recognizance which may be forfeited and collected by him the costs incurred by the county or Baltimore city in which such recognizance may have been taken and pay over the same to the clerk of the court in which the recognizance was forfeited, to be by him accounted for to the county commissioners of the county, or the mayor and city council of Baltimore, as the case may be; and each of the said clerks shall state such costs in the return made by him to the comptroller.

### Custody of Prisoners.

An. Code, 1924, sec. 44. 1912, sec. 44. 1904, sec. 44. 1888, sec. 43. 1801, ch. 62, sec. 5.

**44.** The sheriff shall safely keep all persons committed to his custody by lawful authority until such persons are discharged by due course of law.

Custodial power of sheriff under this section. Suit by sheriff for libel; prayers. *Bowie v. Evening News Co.*, 151 Md. 297.

See notes to sec. 2.

Duty of sheriff under this section. *Cocking v. Wade*, 87 Md. 540.

See art. 20, sec. 27.

An. Code, 1924, sec. 45. 1912, sec. 45. 1904, sec. 45. 1888, sec. 44. 1825, ch. 41.

**45.** He shall provide food and board for all prisoners committed to his charge and such food and other articles for the comfort of sick prisoners as the physician attending such prisoners may deem necessary, the expense of which shall be paid by the county or Baltimore City.

See notes to sec. 44.