

execution, which judgment shall have the same effect as a judgment rendered on verdict.

19. The court, on motion, shall order a sheriff to make return of any original writ, or writ of execution, unless such sheriff shall satisfy the court, by his oath or otherwise, that the said writ was not received by him, or to his knowledge by any of his deputies.

Id s 17.
1794, c 54, s 4
When court to
order return of
process
1 H & J 453,
4 H & J 564

20. If a sheriff shall pay to the plaintiff any judgment rendered against him as aforesaid, he shall thereupon be entitled to the original cause of action, or the judgment, as fully as the plaintiff was; and may issue any execution in his own name, or in the name of the plaintiff, on such judgment for his own use, or prosecute such action to judgment and execution for his own use; and shall be entitled to every other benefit and advantage from such judgment or cause of action, and suit thereon depending, that the original plaintiff might have had thereon.

Id s 18
1794, c 54, s 3.
On payment of
judgment to be
entitled to orig-
inal judgment.

Same remedies
as plaintiff.

21. If any sheriff shall make a return to the court of any *fiere facias*, attachments, *venditioni exponas*, that he has seized the property of the defendant which remains unsold, or that the property heretofore levied upon remains in his hands unsold, for want of buyers, or that the defendant has satisfied the plaintiff or his attorney, the debt or claim, or any part thereof, mentioned in the said process, the said plaintiff, or his attorney, may apply to the said court for a rule on the said sheriff, or late sheriff, as the case may be, to bring the said money into court, or before a judge thereof, on a day to be named in the said rule, or show good cause to the contrary, and upon the failure of the said sheriff, or late sheriff, to bring said money into court, or before the said judge, at time mentioned in the said rule, or any other day, to be named by the said judge, the amount of the debt, damages, interest, and costs, to be ascertained by the plaintiff or attorney, or such other proof as the judge may require, the said court, or judge in the recess, may cause judgment to be entered by the clerk against the said sheriff for the plaintiff's claim, interest, and costs, in favor of the plaintiff, without stay of execution, and without the right of the defendant to supersede or appeal from the same, *provided*, that the said court, or judge thereof, shall be satisfied that the said sheriff has received the said debt, interest, and costs, or any part thereof, from the defendant in the said process, and that his said return of process is false and untrue; and the remedy under this section shall not prejudice the plaintiff's right to proceed against the bond of the sheriff by suit.

1868, c 203
Returns
2 Md 19, 2 H
& Mc H 401.

Rule on sheriff

Judgment
against sheriff

Proviso

Suit on sheriff's
bond.

22. In all cases where there is no coroner in a county, the plaintiff may file his declaration against the sheriff and his securities, or against the person who is for the time the sheriff, when the suit is against him on his individual account, and have a copy thereof set up at the court-house door at least ten days before the sitting of the court in which the suit is brought, and if no appearance by the defendant before the first three days of the term, judgment shall be entered up against them; *provided*, that the plaintiff shall make affi-

Art 75, s 110
1841, c 109
Where there is
no coroner,
how sheriff
sued