

davit of the truth of the demand, and if the State shall be plaintiff in its own right, then a statement of the comptroller, in his own handwriting, shall be evidence of the amount due the State; but no execution shall issue on such judgment until twelve months after said third day of the term.

## ELISORS.

Art. 75, s 111  
1794, c 54, s 5,  
1843, c 271  
Elisor, when  
appointed

**23.** When the sheriff is a party to or interested in any suit or proceeding in any court, so as to be disqualified from serving process, and there is no coroner duly qualified to serve such process, the judge of the court in which such suit or proceeding is to be instituted, or is pending, shall, on application of any party interested, supported by affidavit, or other proof of such disqualification, appoint an elisor to serve any process in such suit or proceeding, which appointment shall be in writing, signed by the judge, and filed with the clerk issuing the process, and may be made either in court or during the recess.

Id s. 112  
1843, c. 271.  
Power of elisor

**24.** Every elisor appointed as aforesaid, shall have the same power to serve any writ or process directed to him as the sheriff has to serve similar process, and shall be entitled to the same fees therefor.

Id s 113  
1794, c 54, s 6.  
Vacancy, how  
filled.

**25.** If any elisor dies, or refuses to act, the judge may appoint another in his place.

## PROCEEDINGS ON DEATH, RESIGNATION, OR REMOVAL OF SHERIFF.

Art. 88, s 24  
1842, c 272, s 2  
Dying with pro-  
cess unex-  
ecuted, executor  
to return.

**26.** If any sheriff shall die either before or after the expiration of his term of service, having in his hands any writ or process, executed or unexecuted, or in part executed, his executor shall forthwith return the same to the clerk or register of the court out of which it issued, together with all papers (if any) showing the proceedings of such sheriff in virtue thereof.

Id s 25  
1840, c 216,  
1842, c 272, s 2.  
Clerk or register  
to issue process  
on such return.

**27.** On application by the person for whose use such process may have issued, the clerk or register shall issue such process as he might have issued if the return had been made by the deceased sheriff; and the same may be issued before or after the return-day named in the process in the hands of such deceased sheriff; or, if the executor shall neglect or refuse to make the return, as aforesaid, the plaintiff may issue a duplicate or new writ, as provided in the following section.

Duplicate writ.

Id s 26  
1813, c 102, s 6,  
1823, c. 180,  
1840, c 216, s 3,  
1845, c 123, s 1.  
Removal of  
sheriff without  
making return

**28.** If any sheriff hath taken into possession any goods or chattels, lands or tenements, by virtue of any writ of execution, and shall remove out of the county or city wherein he acted as sheriff, before the return-day of such execution, or without having made any return thereof, the plaintiff, or his representative, before the return-day, may obtain a duplicate of such writ of execution, or after the return-day, a new writ of execution, directed to the sheriff or some coroner of the county or city, for the time being, as the case may require, under which duplicate, or new writ of execution, such

Duplicate writ.