

1288 SHERIFFS—DEATH, RESIGNATION, REMOVAL. [ART. 87.

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.

P. G. L., (1860,) art 88, sec 25. 1840, ch 216. 1842, ch. 272, sec. 2.

**22.** 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.

Ibid. sec 26. 1813, ch 102, sec. 6 1838, ch 180. 1840, ch. 216, sec. 3.  
1845, ch. 123, sec. 1.

**23.** If any sheriff shall take into possession any goods or chattels, lands or tenements, by virtue of any writ of execution, and shall remove out of the county or Baltimore 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 sheriff or coroner may seize and take into his possession, the goods or chattels, lands or tenements, seized and taken by the sheriff who shall have so removed, and sell the same as in other executions, and shall be entitled to the whole poundage fees, to the exclusion of the sheriff so removing.

Ibid. sec. 27. 1829, ch. 39.

**24.** If any sheriff shall take any goods, chattels, lands or tenements, in virtue of any execution, and shall die, resign or remove from the county or Baltimore city before the same are sold, and the goods, chattels, lands or tenements shall be insufficiently or informally described in the schedule returned by such sheriff, the court from which such execution issued, or the judge thereof during the