

ered to the Sheriff; and the date of the first return thereof shall be endorsed thereon; and the second return shall be made within the time above specified; and in case the said *capias* is returned the second time *non est*, the same shall be again so endorsed and delivered to the Sheriff.

**334.** The Clerk of said court and the Sheriff of said City shall be allowed only the fees for the issue of one *capias*, or for the service of one *capias* in each term, however often the same may be issued or returned.

**335.** All *subpoenas* for witnesses from said court shall be returned by the Sheriff within six days after the same are issued by the clerk, or within six days after the day of the renewal of such *subpoenas*, unless the same are ordered to be returned immediately, in which case they shall be so returned, if practicable.

**336.** The said Sheriff shall be allowed for the service of one *subpoena* only, against any witness that may be returned *non est*, and for whom the said *subpoena* may be renewed, whether once or oftener in one term.

**337.** The clerk of said court, if a *subpoena* is renewed by order of the State's Attorney, or by the counsel of the prisoner or traverser, shall endorse the renewal, on the *subpoena*, and the same shall have all the legal effect of a new *subpoena* issued in the term of said court during which said *subpoena* was first issued.

**338.** The Sheriff of said City shall be subject to a penalty of five dollars in each case in which returns are not made within the time prescribed in this sub-division of this Article.

**339.** Witnesses appearing before the Grand Jury shall be sworn in the presence of the Grand Jury by the foreman or by some other member appointed by the foreman for that purpose.

**340.** In all cases of misdemeanor which may be prosecuted in said court at the instance of any person, if the party so prosecuted shall be acquitted, all the legal costs and expenses attend-