

service. The rule expressly does not apply to executions.

Rule 622(f) allows a clerk to direct process to the sheriff of another county. Presently, Art. 87, §§ 16-20 deal with papers served in a county other than the sheriff's county, however, these sections do not explicitly authorize executions in the other county. It is felt wise to provide a statutory base for Rule 622.

Constables and elisors who have completed an approved police training course have the same powers and liabilities as sheriffs. See §2-604 of this title (constables) and Rule 117 and Md. District Rule 117 (elisors).

SEC. 2-303. SHERIFF TO FILE RETURN.

WHEN A SHERIFF SERVES OR ATTEMPTS TO SERVE A PAPER HE SHALL FILE A RETURN WITH THE CLERK OF THE COURT THAT ISSUED THE PAPER STATING WHETHER OR NOT THE PAPER WAS SERVED, AND OTHER INFORMATION REQUIRED BY RULE OR LAW.

REVISOR'S NOTE: This section is new language derived from Art. 87, §§ 12 and 16-20 which are proposed for repeal.

Previously the common law required a sheriff to file a return and the statutes impliedly recognized the requirement by providing penalties for failure to file a return. This section makes the common-law rule explicit.

By requiring a sheriff to file a return when he serves or attempts to serve a paper, it becomes unnecessary to provide penalties for failure to serve or attempt to serve. He must serve or attempt to serve the paper before he can file a return.

The contempt provision presently appearing in §16 is transferred to §2-304.

SEC. 2-304. REMEDY AGAINST SHERIFF FOR FAILURE TO FILE RETURN.