

lots, and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county; and returned to the governor and council, with a certificate of the number of ballots for each of them.—*ibid.* 42.

33. No sheriff, under sheriff, or bailiff, shall be obliged to execute a writ of *capias ad satisfaciendum*, before the real debt *bona fide* due and claimed by the plaintiff, together with a memorandum or note in case of penalty, that the growing interest is claimed till payment, be endorsed thereon; and no sheriff shall be chargeable, in any action of escape, for more than the sum of money or tobacco really due, or endorsed to be received on the execution in discharge thereof.—*Nov.* 1779, c. 25, § 4, 5.

36. Every of the sheriffs, who do not pursue, by himself or his deputies, the directions of an act, entitled "an act to enable the sheriffs of this state to take bail bonds in certain cases," by taking bail bonds of the criminal and his security, to be approved of as sufficient by the court to whom such bond shall be returned, or taking the said criminal before a magistrate, to be dealt with according to law, shall be liable to be proceeded against, as he would have been, on his default in not bringing in the party according to his return, if this act had not been made. *Oct.* 1780, c. 10, § 4.

37. Sheriffs shall annually, on or before the 1 day of *Oct.* pay all money by them received for hawkers and retailers licences, to the treasurers of their respective shores.—1784, c. 7, § 6, 8, 15. and 1784, c. 37, § 23, 25, and 32.

38. The several sheriffs shall receive and safe keep in their respective gaols all such prisoners as may be committed under the authority of the United States, until they shall be discharged by the due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of this state; but the United States are to pay for the use and keeping of such of the gaols of this state at the rate of 50 cents per month for each prisoner that shall be committed thereto, during the time therein confined, which sum shall be paid to the sheriff for the use of the county at the time of the discharge of any such prisoner; and they shall support such of said prisoners, as shall be committed to any of the gaols of this state, for offences against the constitution, or the laws of the United States.—1789, c. 30.

40. In case any sheriff or coroner shall be called upon by order of any court of record, or the high court of chancery, to make return of any writ of execution, and shall fail therein within the time limited by rule of court, the judges may cause judgment to be entered up in the name of the plaintiff or plaintiffs, against such sheriff, &c. for the amount of the debt or damages, and costs, recovered from the person or persons against whose body,