

ble, if he be Sheriff or Constable, or any other Bailiff of Fee, which hath keeping of Prisons, **57** \*and thereof be attainted, he shall lose his Fee and Office for ever. (6) And if the Under-Sheriff, Constable, or Bailiff of such as have Fee for keeping of Prisons, do it contrary to the Will of his Lord, or any other Bailiff being not of Fee, they shall have three Years Imprisonment, and make Fine at the King's Pleasure. (7) And if any withhold Prisoners replevisable, after that they have offered sufficient Surety, he shall pay a grievous Amerciament to the King; (8) And if he take any Reward for the Deliverance of such, he shall pay double to the prisoner, and also shall be in the great Mercy of the King.

gard de prisons, & de ceo soit atteint, perdr' le fee & baillie a tous jours; & si soit south-vi-count, constable, ou bailife, ou celuy que ad tiel fee pur garder les prisons, & ait ceo fait sans la volunt son seignior, ou auter bailife que ne soit de fee, eit lenprisonment de iii. ans, & soit rent a le volunt le roy. Et si ul' deteigne les prisoners replevisables, puis que le prisoner eit offre suffisant suerty, il serra en le greve mercy le roy; & sil prent loure pur luy delivrer, il rendra le double au prisoner, & ensement serra en le greve mercy le roy.

The parts relating to forests and to persons excommunicated did not extend to Maryland.

What sort of Offenders be not mainpernable. I Roll. 134, 192, 268. Bro. Mainprise, 11, 56, 78. Fitz. Mainprise, 1, 39, 40. Bro. Mainprise, 54, 57, 59, 60, 75, 78, 91. 11 Co. 29. Bro. Main, 6, 19, 22, 30, 48, 50, 51, 53, 58, 63, 64, 73, 91, 94, 97. What sort of Offenders be mainpernable, 2 Bulstr. 328. 3 Bulstr. 113. 27 Ed. 1, Stat. 1, c. 3. 3 H. 7. c. 3. 1 & 2 Ph. & M. c. 13. 2 Inst. 184.

Bail signifies the delivery of a man out of custody upon the undertaking of one or more persons for him, that he shall appear, at a day limited, to answer and be justified by the law. The difference between bail and mainprize is, that mainpernors are only sureties, but bail is a custody, and therefore the bail may retake the prisoner if they think he will fly and bring him before a justice, who ought to re-commit him in discharge of his bail, or put him to find new sureties, see Code, Art. 29, sec. 67,<sup>1</sup> as to the surrender by bail in the Criminal Court of Baltimore City.

<sup>1</sup> Baltimore City Code, sec. 344.