

take a bail-bond from the person so arrested with security to be by him approved and in a penalty not exceeding three hundred dollars, except in those cases where a specific fine or penalty is prescribed for the commission of the offense, in which cases the penalty of the bond shall be the highest penalty or fine fixed by law, with condition that the person so arrested shall appear in court on the day the said writ is returnable and attend the court from day to day and not depart therefrom without the leave of said court; and if the person so arrested cannot give bail-bond, he shall be taken before a justice of the peace to be dealt with according to law.

Bail is taken to secure the attendance of the accused and is not designed as a satisfaction for the offense, when it is forfeited. *Ex Parte Milburn*, 9 Pet. 710.

1904, art. 87, sec. 8. 1888, art. 87, sec. 8. 1860, art. 88, sec. 12.
1780, ch. 10, sec. 2.

8. Such bail-bond shall be taken in the name of the State and shall be returned to the court to which such writ is returnable on the first day thereof.

* *Ibid.* sec. 9. 1888, art. 87, sec. 9. 1860, art. 88, sec. 13. 1793, ch. 60, sec. 1.

9. When a sheriff shall return any person arrested upon criminal process, either mesne or final, and shall fail to bring such person into court and shall be amerced, the court may, in the name of the State for the use of the State, or such person as may be interested, on motion of the state's attorney, direct judgment to be entered against such sheriff for the sum for which he shall have been amerced, or for the fine, penalty or forfeiture and costs for which judgment may have been entered against the person so arrested, which judgment shall have the same effect as if rendered on verdict.

For a case involving the act of 1768, ch. 10, section 1, see *State v. Lawson*, 2 Gill, 73.

See sections 11 and 12 and notes to the latter.

Ibid. sec. 10. 1888, art. 87, sec. 10. 1860, art. 88, sec. 14.
1793, ch. 60, sec. 2.

10. The court in imposing such ameracements shall govern themselves by such principles as under all circumstances shall appear to them to be reasonable, taking care to keep the State and county or city of Baltimore indemnified from all costs and charges.

Ibid. sec. 11. 1888, art. 87, sec. 11. 1860, art. 88, sec. 15. 1794, ch. 54, sec. 2.

11. If any sheriff shall fail to return an original writ within the time limited by rule of court for that purpose, the court, on motion, shall amerce the sheriff to the amount of the debt or damages and costs due from the defendant, to be ascertained by the oath of the plaintiff, his agent or attorney, and such other proof as the court may require, and shall enter judgment *nisi* the second day of the next term thereafter for the amount of the amercement aforesaid, in the name of the plaintiff,