

Peace issuing the attachment, to satisfy any judgment that shall be recovered in such case against the defendant or defendants.

See art. 9, sec. 19.

### Replevin.

An. Code, 1924, sec. 53. 1912, sec. 50. 1904, sec. 48. 1888, sec. 46. 1852, ch. 239, sec. 2.

**55.** In all actions of replevin the proceedings before justices of the peace shall be similar to those in the several circuit courts of this State or the three common law courts of civil jurisdiction in Baltimore City.

The jurisdiction of justices in replevin was conferred prior to Code of 1860, and is embodied in that Code. State use of *Whitehill v. Carrick*, 70 Md. 591.

See sec. 7 and notes.

As to the action of replevin, see also art. 75, sec. 125, *et seq.*

An. Code, 1924, sec. 54. 1912, sec. 51. 1904, sec. 49. 1888, sec. 47. 1835, ch. 201, sec. 13. 1852, ch. 239, sec. 2. 1856, ch. 112, secs. 13-25. 1886, ch. 45. 1888, ch. 235.

**56.** Before issuing a writ of replevin the justice shall require and take from the party demanding such writ a bond to the party holding such property, with one or more securities who shall make oath before the said justice that he is or they are worth each double the value of the specific article or articles of property intended to be replevied over and above all debts and exemptions and whom the said justice shall in his conscience believe to be so worth, with condition that if the above bound ——— do and shall well and truly prosecute the said writ of replevin with effect and also shall and will return the goods and chattels aforesaid, if the same be adjudged, and in all things abide by and perform the judgment of the said justice, or of such other justice of the peace in and for said county, as shall decide in the premises, or of the circuit court for the county, or Baltimore City court, as the case may be, then the said obligation to be void, else to be and remain in full force and virtue in law.

The giving of a bond under this section does not obviate the necessity of an appeal bond. State use of *Whitehill v. Carrick*, 70 Md. 591.

An. Code, 1924, sec. 55. 1912, sec. 52. 1904, sec. 50. 1888, sec. 48. 1835, ch. 201, sec. 13.

**57.** The plaintiff suing out a replevin, or any other person on his behalf, may give the bond required by the preceding section, but the securities in all cases ought to be ample.

An. Code, 1924, sec. 56. 1912, sec. 53. 1904, sec. 51. 1888, sec. 49. 1852, ch. 76, sec. 3. 1852, ch. 336.

**58.** If the summons in replevin shall be returned served and the defendant shall fail to appear, the justice shall fix a day of trial not less than six nor more than fourteen days from the return day and shall proceed to try such replevin *ex parte* on the day so fixed, if the defendant does not appear, or, if the summons is returned *non est*, the justice shall renew the same returnable not less than ten days from the issuing thereof, and if such renewed summons be returned *non est*, the justice shall proceed as if the defendant had been returned summoned and had failed to appear.

The right to proceed to judgment after two *non-ests*, upheld and discussed. *Heinekamp v. Beaty*, 74 Md. 393 (individual opinion).