

Chapter 27.

AN ACT to repeal, amend and re-enact section forty-five of article twenty-nine of the Code of Public General Laws, title "Courts," sub-title "Circuit Courts," for the counties, as amended by chapter fifty-two of the acts of eighteen hundred and sixty-eight, relating to the passing of orders at common law, and taking bail in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section forty-five of article twenty-nine of the Code of Public General Laws, as amended by chapter fifty-two of the acts of eighteen hundred and sixty-eight, be and the same is hereby repealed, amended and re-enacted, so as to read as follows :

Repealed and re-enacted.

Make order in recess.

Clerk may take bail.

Judge to fix the bail.

SEC. 45. Each of the circuit judges of the counties or judicial circuits may make orders, in recess of their several courts, in cases at law, and may require in writing the original papers on any case, or abstracts and transcripts to be produced before them, or either of them, wherever they or either of them may be, for the purpose of passing such order, and in all criminal cases wherein the accused has been allowed to give bail, but if the court shall adjourn before he has secured the bail, the clerk of the court may take the bail, on its being directed by order of court before adjournment, or of one of the judges after adjournment, fixing the amount thereof; but the clerk shall accept no security without the oath or affirmation of the person offering himself as security, that he or she is worth the amount of the bail in real or personal estate, exclusive of his or her right to exemption, nor unless the clerk shall be satisfied of the truth of such statement on oath or affirmation; and whenever a party is arrested on indictment in any of the circuit courts, and is imprisoned during the recess of the court, any judge thereof, if it be aailable case, may, by his order in writing, fix the bail and direct the clerk to take the same, with security or securities, who shall justify on oath or affirmation as hereinbefore provided, and no security shall be taken whom the clerk is not fully satisfied to be worth the amount sworn to.

Approved March 7, 1884.