

4. The judge or justices, by and before whom such recognizance shall be taken and acknowledged, shall carefully examine into the circumstances and sufficiency of the bail, and shall be careful that they do not take any recognizance of bail of persons who shall not appear to them to have sufficient estate within this state to answer the same; but nothing herein shall be construed to abridge or take away the power of the justices of the general or county courts within this state, to make rules and orders for the justifying bails and making the same absolute, or to examine the sureties upon oath, touching the value of their estates.—*ibid.* § 5.

5. Where any execution, hath or shall issue, on any forfeited recognizance, against any person for not appearing according to the tenor thereof, such person on the return of the execution may appear; and plead in discharge thereof any plea which would have been good upon a *scire facias* on the said recognizance, if a *scire facias* had been issued, and upon such plea being determined in favour of the person pleading the same, he shall be discharged from the said forfeiture.—*April 1782, c. 42, § 2.*

6. Any court, from which execution shall issue on any recognizance forfeited for not attending as a witness in any case not capital, may, upon motion, and good cause shewn by such person, discharge him from the execution, upon such terms as the court shall think fit; but such person shall not be discharged from such execution until the trial of the plea, unless he shall satisfy the execution, or give bond payable to the state before the sheriff, or enter into recognizance in court, with one good and sufficient security, in double the forfeiture and costs due upon such execution, conditioned to appear and plead in discharge of the said execution, and to abide by and fulfil the judgment of the court thereupon.—*ibid.*

7. Every recognizance taken by the general or any county court on the Eastern shore, or any judge or justice of either of the said courts, and hereafter forfeited in the said general, or county court, and collected or received, shall be paid to the treasurer of the eastern shore, and shall remain in his hands, subject to the orders of the visitors and governors of Washington college. 1784, c. 7, § 4.

8. Every recognizance taken by the general or any county court on the western shore, or any judge or justice of either of the said courts, and forfeited, shall be paid to the treasurer of the western shore, and shall remain in his hands, subject to the orders of the visitors, &c. of Saint John's college.—*ibid.* c. 37, § 21.

See *Apprentices*, 8, 10. *Attorney general*, 6. *Coroners*, 1. *County courts*, 22, 44, 48. *Criminal jurisdiction of Baltimore*, 13, 15, 35. *Ferries*, 4, 6, 7, 8, 11. *Fornication*, 2, 5. *Fugitive criminals*, 5, 7. *Governor*