in specified, to summon the defendant to appear before the court on a day therein appointed to answer the complaint of the plaintiff, and to have the writ before the court on the said day.

44. It shall be the duty of the sheriff literally to execute the commands contained in the writ of replevin, and to return his doings to the court.

45. If the sheriff cannot find the goods mentioned in the writ of replevin, the plaintiff may either issue another replevin or a writ of re-summons on the former writ, turning the action thereby into an action of damages, in which last case his sureties shall be released. He may also have an attachment for a sum equal to double the value of the goods as ascertained by his own oath, provided he files an affidavit that he believes they are or have been in the defendant's possession.

46. If the sheriff replevy and deliver the goods, and return those facts to the court, and the defendant do not appear within four days of the day appointed for his appearance, the plaintiff shall be entitled to a judgment by default, which shall operate as a discharge to his sureties, and shall entitle him to the goods.

47. No judgment entered in pursuance of any direction contained in this chapter, shall be stricken out after the term at which it is entered, nor during that term, but on payment of costs and compliance with such other conditions as the court may impose; provided that the court may inquire into the truth of any return, and if they shall be satisfied that any return was false, they may order the officer making such return, to pay the costs, and may make such order as to the defendant's appearance, as may to them seem just.

48. A term is the space of time comprehended between the legal first day of any meeting of a court, and the legal first day of the next meeting of the same court.

CHAPTER III.

OF BAIL.

1. Bail is the security which is given by a defendant for his complying with the judgment of the court.

2. Bail can only be had in cases where the plaintiff is entitled to a writ of attachment or arrest, and only to the amount of the sum mentioned in such writ.

3. The stipulation into which bail shall enter shall be that the

defendant shall perform the judgment of the court, or render his body to the sheriff, under penalty of such a sum.

4. Whenever a defendant is brought before a court, judge, or commissioner of bail, on a writ of arrest, and the court, judge or commissioner is of opinion that the plaintiff is entitled to demand bail, it shall be lawful for such court, judge or commissioner to commit such defendant to prison, if such court, judge or commissioner shall, in the exercise of a sound discretion, deem it proper, until he is discharged by due course of law. Such discharge may be by order of the plaintiff, or some proper authority before whom the defendant has given bail, or before whom he has assigned all his property for the general benefit of his creditors, agreeably to the directions of the law.

5. The remedy against bail shall be an action of contract, which, however, cannot be commenced until after the return of a writ of execution, which has proved wholly or in part ineffectual. The bail shall be discharged by the death of the principal, prior to such return.

6. The same remedy is to be applied in all cases of security mentioned in the second chapter; but the previous return of a writ of execution shall not be necessary, except in the case of bail, nor shall the death of the principal be a discharge in any other case.

7. The measure of damages, in the case of bail, is the amount of the judgment rendered by the court, in the action in which bail was given.

8. Every judge of a court shall have power to take bail, in all actions pending in his court, and every court shall have power to appoint, by standing rules, commissioners of bail, who shall have the same power. The court may, by standing rules, establish an appeal from a commissioner to a judge, in cases in which they may deem it proper.

CHAPTER IV.

OF THE COMPLAINT.

1. Whenever the defendant appears, it shall be the duty of the plaintiff to file his complaint, unless he has done so before. If the plaintiff has not filed his complaint within ten days after the appearance of the defendant, the defendant may demand to be discharged.

2. The appearance of the defendant is to be accounted as made, when it is entered on the records of the court. This cannot be

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XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)