

Clerks issuing replevin under a warrant from a magistrate, pursuant to an act of 1790, ch. 53, are not liable to the above penalty,

No sheriff,  
&c. to serve  
writ, &c.

SEC. 5. *And be it enacted*, That no sheriff, coroner, or other public officer, shall serve or execute any writ of replevin issued contrary to the directions of this act; and if any sheriff, coroner, or other public officer, after the first day of March next, shall serve or execute any writ of replevin, knowing that the property mentioned and specified in such writ hath been taken and remains in execution for public dues or taxes, such sheriff, coroner, or other public officer, so offending, shall forfeit and pay one hundred pounds current money.

Court may  
quash writ,  
&c.

SEC. 6. *And be it enacted*, That if any writ of replevin, issued or to be issued contrary to the directions of this act, be served, the court to which such writ shall be returned shall, at the first court, upon motion and inquiry in a summary manner, quash such writ, and non-suit the plaintiff, and shall give judgment for treble costs to be paid by such plaintiff to the defendant.

By 1785, ch. 80, sec. 14, in cases of replevin, the court may on motion for return of property inquire, into the manner of the defendants getting possession of the property, and if possession was obtained forcibly or fraudulently, or being first in the plaintiff was got or retained by the defendant, without proper authority derived from the plaintiff, the court may refuse to order a return, until the action is determined.

By 1825, ch. 65, masters may recover apprentices by replevin.

By 1801, ch. 74, sec. 38, no action of replevin to abate by the death of either party.

By 1825, ch. 63, if defendant is summoned, and does not appear on the 4th day of the term, the court may enter up judgment for the property.

By 1831, ch. 171, tenants may replevy in distresses laid for rent reserved in produce.

By 1833, ch. 274, negroes replevied, not to be sold, unless by order of the court, until the action is decided, and if sold beyond the limits of the state deemed a felony.

By 1835, ch. 201, magistrate's court may sustain jurisdiction over actions of replevin, where the property does not exceed \$100, by appraisement.

## CHAPTER 35.

AN ACT to repeal part of the act concerning Marriages.

Another act, 1790, ch. 20.

Part of an  
act repealed  
\*Feb. 1777,  
ch. 12.

*Be it enacted by the General Assembly of Maryland*, That so much of the act of assembly, entitled \*an act concerning marriages, as prohibits and declares void marriages between persons related within the following degrees of affinity, to wit: A man with his father's brother's wife, mother's brother's wife, wife's father's sister, wife's mother's sister, brother's son's wife, sister's son's wife, wife's brother's daughter, wife's sister's daughter; a woman with her father's sister's husband, mother's sister's husband, husband's father's brother, husband's mother's