

Party suing out may plead to, or traverse the return, and the party making such return may reply, demur, or take issue, &c.

any case of intrusion, or usurpation, or of any breach or violation of any of the terms, conditions, privileges or franchises, or of unlawfully holding of any of the said offices, of or in, or under, any charter, or incorporation, granted by this state, any writ of mandamus shall issue out of any of the said courts, and a return shall be made thereunto, it shall and may be lawful to and for the person or persons, suing or prosecuting such writ of mandamus, to plead to and traverse all or any of the material facts contained in the said return; to which the person or persons making such return shall reply, take issue or demur; and such further proceedings, and in such manner, shall be had therein, for the determination thereof, as might have been had if the person or persons suing such writ, had brought his, her or their action on the case, for a false return; and if any issue shall be joined on such proceedings, the person or persons suing such writ, shall and may try the same in such place as an issue joined in such action on the case, should or might have been tried; and in case a verdict shall be found for the person or persons suing such writ, or a judgment be given for him, her or them, upon a demurrer, or by nil dicit, or for want of a replication, or other pleading, he, she or they, shall recover his, her or their damages and costs, in such manner as he, she or they, might have done in such action on the case as aforesaid; such costs and damages to be levied by *capias ad satisfaciendum*, *fieri facias*, or attachment; and a peremptory writ of mandamus shall be granted thereupon, without delay, for him, her or them, for whom judgment shall be given, as might have been if such return had been adjudged insufficient; and in case such judgment shall be given for the person or persons making such return to such writ, he, she or they, shall recover his, her or their costs of such suit, to be levied in manner aforesaid.

CHAPTER 80.

AN ACT relating to County Clerks.

Preamble.

WHEREAS, by a resolution passed at December session, eighteen hundred and twenty-seven, No. seventy-seven, the clerks of the levy courts, or commissioners of counties, were required, under the penalty of one hundred dollars, on or before the first day of January in each and every year thereafter, to prepare and transmit to the treasurer of the western shore, a detailed statement of the aggregate of valuation, rate of tax per hundred dollars, amount of levy, and each general charge of expenditure in the several counties of this state, according to the form which appears in the journal of the house of delegates of the said session, fronting page three hundred and twenty-two: *And whereas*, the said treasurer by the said resolution, was