

2. Every person applying for a writ of replevin to a clerk of the general or county court, against any collector, public officer, or person authorised by law to collect any public dues or taxes, shall, if required by the clerk applied to, make oath or affirmation, that the property, for the delivery of which he demands the said writ of replevin, hath not been distrained or taken in execution on account of any public dues or taxes.—*ibid.* § 3.

3. If any clerk shall neglect to enquire as aforesaid, or after the party applying has refused to make such oath or affirmation shall issue a writ of replevin, upon such application, such clerk shall forfeit 100*l.* current money.—*ibid.* § 4. See below, Art, 11.

4. 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, &c. after the 1st day of March next, shall serve or execute any writ of replevin, knowing that the property specified in such writ hath been taken and remains in execution for public dues or taxes, such sheriff, &c. so offending, shall forfeit 100*l.* current money.—*ibid.* § 5.

5. 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 nonsuit the plaintiff, and shall give judgment for treble costs to be paid by such plaintiff to the defendant.—*ibid.* § 6.

6. In all cases where personal property has been taken in execution for public taxes, by collectors of arrearages, and not sold; and where personal property shall hereafter be taken in execution for such taxes by collectors of arrearages, the person whose property has been or shall be so taken, may apply to any justice of the peace for the county in which he resides, for a warrant to the clerk of the county, authorising him to issue replevin for the goods so taken, and if the party applying shall, by his own oath or affirmation, reduced to writing, and signed by the magistrate, and such other evidence as the said justice may require, satisfy him that it is necessary for the purposes of justice, that a replevin should issue, he may make a warrant to the clerk of his county, under his hand and seal, directing the said clerk to issue a writ of replevin for the goods and chattels taken, or such part of them as the said justice shall think proper, he specifying in the said warrant the goods and chattels for which the replevin is to be sued out.—1790, c. 53, § 2.

7. If it shall appear to the said justice that part of the tax is due for which the distress is laid, he shall, in such case, insert in his warrant for replevin, a condition that the party applying shall lodge with the  
said