

C H A P.  
XXXIII.

and ample a manner as if the same were herein enumerated and enacted; and that the commissioners of Baltimore-town, or the major part of them, are hereby directed to appoint a clerk and other officers of said market as above directed, and conform in all things to the afore-mentioned act, except only as to such part as relates to the days on which the said market shall be held, which shall not be extended to the days on which the markets in said town are held, but the said Fell's market shall be for ever hereafter held on the Tuesdays and Fridays of every week.

Commissioners  
to make rules,  
&c.

III. AND BE IT ENACTED, That the commissioners of Baltimore-town, or a major part of them, shall have full power and authority to make such further rules and regulations for the good government of the several market-houses in the said town, as they, or a major part of them, shall think necessary.

See the act of 1796, ch. 68, by which the powers given by this and other acts are transferred to the corporation of the city of Baltimore, and by the same act the corporation is empowered to erect and regulate markets.

C H A P. XXXIV.

Passed 2d of  
March, 1786.

## An ACT relating to replevins. Lib. TBH. No. A. fol. 656.

Supplements 1786, ch. 12, 1790, ch. 53.

Preamble.

WHEREAS the clerks of the county courts, in several of the counties of this state, have issued writs of replevin in cases where property hath been taken in execution for public dues and taxes, whereby the collection of the said public dues and taxes hath been much impeded, to the great injury of the state and individuals;

No writ of re-  
plevin shall is-  
sue, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That in every case of money, or other thing, due the public, for satisfaction of which there shall be any distress or execution of property, by any officer or person authorized by law so to do, no writ of replevin shall issue, or be maintainable in law.

By 1786, ch. 12, on a distress the party may complain to the commissioners of the tax, who may hear and adjust such complaint, and may suspend the sale of property executed for taxes; and by 1790, ch. 53, a writ of replevin in such cases may be issued on application to a magistrate, &c.

Persons apply-  
ing to make  
oath, &c.

III. AND BE IT ENACTED, That from and after the first day of March next, every person applying for a writ of replevin to a clerk of the general court, or the clerk of any county court, against any collector, public officer, or person authorized by law to collect any public dues or taxes, shall, if required so to do by the clerk applied to, make oath or affirmation, as the case may require, 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.

Penalty on clerk  
for neglect, &c.

IV. AND BE IT ENACTED, That if any clerk shall neglect to inquire 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 and pay one hundred pounds current money.

Clerks issuing replevins 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.

V. 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.

VI. 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 nonsuit the plaintiff, and shall give judgment for treble costs to be paid by such plaintiff to the defendant.

C H A P. XXXV.

## An ACT to repeal part of the act concerning marriages. Lib. TBH. No. A. fol. 657.

Another act 1790, ch. 20.

Part of an act  
repealed, &c.

BE IT ENACTED, by the General Assembly of Maryland, That so much of the act of assembly, (a) entitled, An act concerning marriages, as prohibits and declares void marriages between persons related

(a) February, 1777, ch. 12.