

REPLEVIN.

Persons applying for writs of replevin against such officers, &c. shall, if required by the clerk, make oath or affirmation, that the property hath not been distrained or taken in execution on account of any public dues or taxes. 1785, ch. 34, § 3.

Any clerk neglecting so to inquire, or (after such oath or affirmation has been refused,) issuing a writ of replevin, shall forfeit £. 100. *Ibid.* § 4.

— Unless they have a warrant as therein directed. 1790, ch. 53.

Sheriffs, coroners, or other public officers, serving or executing any writ of replevin, knowing the property to have been in execution for public dues or taxes, shall forfeit £. 100. 1785, ch. 34, § 5.

On writs of replevin being issued contrary to this act, the court, on the return, shall, on motion and inquiry in a summary way, quash the writ, and nonsuit the plaintiff, and give judgment against him for treble costs. *Ibid.* § 6.

When property is taken for public dues, &c. the party may apply to a justice of the peace, who, on being satisfied by his affidavit or other proof, that it is for the purposes of justice, may, by warrant under his hand and seal, direct the county clerk to issue a writ of replevin for the goods, &c. taken, or such part as he shall think proper, specifying in the said warrant the goods, &c. for which the replevin is to issue. 1790, ch. 53, § 2.

— If it appears to the justice that part of such tax is due, he shall insert in the warrant a condition, that the party shall lodge with the clerk such sum as shall appear to be due; (which shall be particularly stated in the warrant,) before any replevin shall be granted. *Ibid.* § 3.

— On such sum being lodged, the clerk shall issue replevin in the usual manner for the whole property, and pay over the money to the collector, under the penalty of paying to him double the sum. *Ibid.*

— If on trial of any such replevin the jury find for the defendant, they shall find how much is due, whereon he shall have judgment to recover the sum so found, and costs where the whole sum is found. *Ibid.* § 4.

— If only a part is found, he shall only have costs in the discretion of the court. *Ibid.*

— On such judgment, the defendant may sue out a *capias ad satisfaciendum, fieri facias*, or attachment in nature of execution. *Ibid.*

— On the last writs, the property distrained may be taken and sold wherever found, but a writ of *retorno habendo* shall not issue. *Ibid.*

— If the jury find for the plaintiff, they may give such damages as they think reasonable, and include therein the money lodged by the plaintiff with the clerk under the magistrate's warrant, on which there shall be judgment with costs. *Ibid.*

— The same process of execution to be had as aforesaid. *Ibid.*

— If the plaintiff shall be nonsuited without verdict, the defendant shall be entitled to a return of the property, or may take out a writ of inquiry to ascertain the amount of his claim. *Ibid.* § 5.

— If he elects a return of the property, he may sell the goods when returned as if no replevin had been sued out. *Ibid.*

— But if he elects to issue a writ of inquiry, judgment shall be entered on the return for the sum found and costs, on which he shall have the same advantage of execution as is therein given after a verdict. *Ibid.*

— On judgment against the defendant by default, the plaintiff may have a writ of inquiry, on which the jury may award damages for any money lodged with the clerk as aforesaid, and on the return, judgment shall be rendered for the damages found and costs, whereon execution may be had as aforesaid. *Ibid.* § 6.

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County clerks issuing replevin under a magistrate's warrant as aforesaid, not liable to the penalties of the act of 1785, ch. 34. *Ibid.* § 7.

All replevins under this act shall be tried at the return court, unless on special reasons on affidavit. *Ibid.* § 8.

On a distress for public dues, &c. the party may complain to the commissioners of the tax, who may hear and adjust such complaints, and suspend the sale of the property. 1786, ch. 12.

In all cases of replevin, the court may, on motion for a return of the property, inquire into the manner, &c. of the defendant's obtaining possession. 1785, ch. 80, § 14.

If such possession was obtained forcibly or fraudulently, or if being first in the plaintiff, the possession was got or retained by the defendant without proper authority or right derived from the plaintiff, the court may refuse to order a return to the defendant till judgment in the action. *Ibid.*

A right given to prosecute in the county courts actions at law for the recovery of goods and chattels by writ of replevin. *Ibid.* ch. 87, § 1.

Actions of replevin not to be brought in the general court unless the thing in demand exceeds £. 100. *Ibid.* § 2.

REPRESENTATION.

Not to be allowed among collaterals. 1798, No. 101, ch. 11, § 11.

REPRESENTATIVES.

The choses in action of a married woman shall, on her death, devolve on her husband without his administering, but if he shall not in his life-time reduce them into possession, or obtain judgment thereon, they shall devolve on her representative. 1798, No. 101, ch. 5, § 8.

If a person entitled to distribution shall die before the same be made, his share shall go to his representatives. *Ibid.* ch. 11, § 13.

When the estate of an intestate shall be sold on a credit, under the act to direct descents, bonds shall be taken for the purchase money by the commissioners, with security if required, and made payable to each representative respectively, according to his proportional part of the net amount of sales. 1799, ch. 49, § 4.

For representatives to the assembly and congress, see CONGRESS. DELEGATES. ELECTIONS. GENERAL ASSEMBLY. LEGISLATURE.

REPRIEVE.

The governor may grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct. Const. 33.

See PARDON.

RESERVES.

See LAND and LAND-OFFICE.

RESIDENCE.

Persons entitled to vote who have a free-hold of fifty acres of land in the county, and reside therein. Const. 2.

— Persons so entitled, who have property in the state above the value of £. 30 0 0, and have resided in the county one whole year next preceding the election. *Ibid.*

— Every person qualified to vote shall vote in the election district in which he shall reside at the time of the election, and at no other place. 1799, ch. 50, § 11.

— Penalty on persons residing out of a district offering to vote therein. *Ibid.* § 12.

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