

ket-houses in the said town, as they, or a major part of them, shall think necessary.

C H A P. XXXIV.

Passed Mar. 2.

An ACT relating to replevins.

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 replevin shall issue, &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 authorised by law so to do, no writ of replevin shall issue, or be maintainable in law.

Persons applying for a writ of replevin 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 authorised 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 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 and pay one hundred pounds current money.

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.

Passed Mar. 2.

An ACT to repeal part of the act concerning marriages.

Part of an act repealed, &c.

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 brother,