

mitted together, by the court, to the same jury, in order to confirm, reverse or alter the judgement of the superiour court on the appeal, according to law and justice, and as the matter shall appear upon the tryal; any law, usage or custom to the contrary notwithstanding. [Passed November 24; published December 19.

CHAPTER 12.

AN ACT IN ADDITION TO AN ACT ENTITULED “AN ACT FOR THE MORE SAFE KEEPING THE REGISTRY OF DEEDS AND CONVEYANCES OF LANDS,” MADE IN THE FIRST YEAR OF HIS PRESENT MAJ[ESTY][IE]’S REIGN.

WHEREAS, in and by an act made in the first year of his present majest[y][ie]’s reign, entituled “An act for the more safe keeping the registry of deeds and conveyances of lands,” it was (among other things) enacted, “That there should be chosen in each county within this province, some suitable person, to be register in each county within the same, who should be chosen by the votes of the freeholders of each respective town, at their meeting in March then next following; and that each person so chosen should continue in the said office five years,” as by the said act more fully appears; but no provision is made in the said act for the choice of registers after the said five years, which are now near expired,

1715-16, chap. 5.

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the freeholders in each respective town within this province, at their meeting in March next, and every five years from thenceforth, successively following, forever, at their several town meetings in March, shall be and hereby are impowered and required to proceed to ch[oo][u]se a register for each county respectively within the said province, qualified as in the said act is expressed.

Choice of registers of deeds to be in March, forever.

[SECT. 2.] And that the persons so chosen, as aforesaid, shall reside and keep his office daily open in the respective shire town of each county, and therein keep the books, records, files, and papers to the said office belonging.

Register to reside and keep his office in the shire town.

[SECT. 3.] And that all the other clauses, articles and paragraphs in the said act, are hereby made and declared to be perpetual, and shall abide and remain effectual and in full force and vertue, to all intents, constructions and purposes in the law, from henceforth and forever hereafter; any law, usage or custom to the contrary notwithstanding. [Passed November 17; published December 19.

CHAPTER 13.

AN ACT REPEALING AND MAKING VOID THE FORM OF THE WRIT[T] OF REPLEVIN DIRECTED TO IN AN ACT ENTITULED “AN ACT PRESCRIBING THE FORM OF WRIT[T]S FOR POSSESSION, *SCIRE FACIAS* AND REPLEVIN”; MADE IN THE THIRTEENTH YEAR OF THE REIGN [OF] KING WILLIAM THE THIRD; AND ESTABLISHING ANOTHER FORM INSTEAD THEREOF.

FORASMUCH as some further provision in the law is necessary relating to actions of replevin, and for rendering the proceedings therein more compendious and certain,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

Former writ of replevin made void.
1701-2, chap. 3.

[SECT. 1.] That the said form of the writ[t] of replevin, prescribed in and by the abovesaid act, made in the thirteenth year of the reign of the said King William, and every article and clause therein contained, shall be and hereby is repealed, determined and made void and of none effect forever.

And be it further declared and enacted by the authority aforesaid,

[SECT. 2.] That from henceforth the writ[t] of replevin to be issued out of the inferiour court, shall be from time to time granted and issued out in the form following; that is to say,—

S—, ss.

New form of writ of replevin.

8 Allen, 401.

To the sheriff or marshal of the said county of S—, his undersheriff or deputy, or constables of the town of B. within the said county, or to any or either of them, greeting: In his majest[ty][ie]'s name you are required to replevie belonging to T. P. of B., ^{addition} now distrained or impounded by J. G. of B., ^{addition} and deliver the said unto the said T. P. and summons the said J. G. to appear before our justices of our inferiour court of common pleas next to be holden at B., within and for our county of S. aforesaid, on the day of , then and there in our said court to answer to the said T. P. in a plea of replevin, for that he, the said J. G., on the day of at a place called A., in B. aforesaid, took of the plaintiffs, and drove them away and impounded them in and in the said pound them unjustly detained, against pledges and sureties, till this day; which is to the damage of the said T. P. (as he saith) the sum of pounds, as shall then and there appear with other due damages: *provided* he, the said T. P., give bond to the value of pounds, with sufficient surety or sureties to prosecute his replevin at the s[ai]d next inferiour court of common pleas, and so from court to court until[] the cause be ended; and to pay such costs and damages as the said J. G. shall recover against him. Hereof fail not, and make true return of this writ[t] with your doings therein, unto the said court. Dated in B. the day of in the year of his majest[ty][ie]'s reign, *annoq[ue] Domini*

A. D., Clerk.

—and the like form of replevin to be observed for matters cognizable before a justice of the peace, *mutatis mutandis*; but neither of them to be construed to extend to any distress or distresses made by the proper officer, for any tax, fine or forfeiture.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That in case the defendant in any action of replevin cannot be found, an attested copy of the said writ[t] of replevin, being left at the house or place of usual abode of the defendant, shall be sufficient to oblige him to answer to the suit. [*Passed December 6; published December 19.*]

Copy of writ of replevin to oblige the defendant to answer.