

shall deliver unto him the Beasts or Cattel before returned, and the Distrainer shall be attached to come at a certain Day before the Justices; afore whom the Plea was moved in Presence of the Parties. (7) And if he that replevied make Default again, *or for another Cause Return of the Distress be awarded, being now twice replevied, the Distress shall remain irrepleviable; (8) but if a Distress be taken of new, and for a new Cause, the Process abovesaid shall be observed in the same new Distress.

eret ei averia vel catalla prius retornata & attachietur qui distrinxit ad veniendum ad certum diem coram justiciariis coram quibus placitum deducatur in presentia partium. Et si iterato ille qui replegiaverit fecerit defaultam vel alia occasione adjudicetur returnum districtionis jam bis **98** replegiate remaneat districtio illa imperpetuum irreplegiabilis set si de novo & de nova causa fiat districtio de nova districtione servetur processus supradictus.

The Mischiefs which Lords distraining their Tenants did suffer. A *Recordare* to remove a Pleint out of the County. 16 H. 7, f. 1. Regist. 83. Pledges to prosecute the Suit, and to make Return. Dyer, 188. 2 H. 6, 15. 8 Ed. 3, 72. 9 H. 6, 42. Fitz. Return des Avers, 35. Cro. Car. 594. A Writ of Second Deliverance, Dyer, 41, 59. Kel. 92. 26 H. 8, 6. 21 H. 7, 28. 12 H. 7, 4. A Distress irrepleviable. 14 H. 7, 6. Dyer, 280. Fitz. Return des Avers, 6, 15, 18, 19, 24, 26, 32, 33, 34, 35.

The sheriffs here were never responsible officers as in England, and never held Courts. No instance of replevin by *plaint* has been found in Maryland; and the writ of *recordare*, &c. is not in use. It is said that in the records of the Provincial Court in 1714, some instances of writs of replevin are to be found issued from the Court of Chancery. But the proceedings generally appear to have been under the common law, the writs issuing from the Provincial Court, and afterwards from the General Court and from the County Courts, and being returnable thereto respectively. The Act of June 1773, ch. 1, concerning estates tail and the jurisdiction of County Courts, and which expired in 1786, provided that writs of replevin might issue from the County Courts returnable to them. The Act of 1785, ch. 87, sec. 1, continued this jurisdiction. And by the Acts of 1804, ch. 55, and 1805, ch. 16, the jurisdiction of the County Courts was confirmed. The writ of *pone* appears to have been in use to remove replevins from the County Courts to the General Court, at the instance both of plaintiff and defendant, 2 Harr. Ent. 245, 715. It was also used in cases where the defendant in replevin did not appear to compel an appearance, 2 Harr. Ent. 714. However, now by the