

An Act to amend the laws of Upper Canada affecting
the relation of Debtor and Creditor.

WHEREAS it is expedient to amend the laws of Upper Canada as hereinafter mentioned ;

Preamble.

Her Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Canada enacts as follows :

5 I. No writ of *feri facias* or other writ of execution and no writ of attachment against the goods of any person, shall prejudice a title thereto acquired by any other person *bona fide* for a valuable consideration before the actual seizure or attachment of the goods by virtue of the writ, provided such person at the time he acquired his title had not notice 10 that the writ, or any writ by virtue of which the goods of the other might be seized or attached, had been delivered to, and remained unexecuted in the hands of, the sheriff or coroner.

Bona fide purchasers goods after execution and before seizure protected.

II. In every action in either of the Superior Courts of Common Law, or in any County Court, for breach of contract to deliver specific goods 15 for a price in money, on the application of the plaintiff and by leave of the Judge before whom the cause is tried, the jury, if they find the plaintiff entitled to recover, shall find by their verdict—

Judgment may be obtained in certain cases for specific delivery of goods sold.

(1.) What are the goods in respect of the non-delivery of which the plaintiff is entitled to recover, and which remain undelivered :

20 (2.) What (if any) is the sum which the plaintiff would have been liable to pay for the delivery thereof :

(3.) What damages (if any) the plaintiff would have sustained if the goods should be delivered under execution as hereinafter mentioned : and

25 (4.) What damages if not so delivered :

And if judgment is given for the plaintiff, the Court or any Judge thereof may, on the application of the plaintiff, order an execution to issue for the delivery of the goods on payment of the sum (if any) which was found payable by the plaintiff; and the writ of execution 30 may be for the delivery of the goods : And if the goods or any part thereof cannot be found, then (unless the Court or Judge otherwise orders) the sheriff or coroner shall, at the option of the plaintiff, either distrain the defendant by all his lands and chattels within the county or united counties in which the sheriff or coroner has authority, till the