

An Act to amend the law of Upper Canada in certain particulars affecting the relation of Debtor and Creditor.

WHEREAS it is expedient to amend the law 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 *fiery 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 *bonâ 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; and provided also that such title was acquired from or through a sale made in the due course of the trade or ordinary calling of the person from whom the same was
15 so acquired.
- 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 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
20 plaintiff entitled to recover, shall find by their verdict—
- Bona fide purchasers of goods after execution and before seizure protected on certain conditions.
- Judgement 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. What the Jury shall find.
- (2.) What (if any) is the sum which the plaintiff would have been liable to pay for the delivery thereof:
- 25 (3.) What damages (if any) the plaintiff would have sustained if the goods should be delivered under execution as hereinafter mentioned: and
- (4.) What damages, if not so delivered.
- 30 III. In case 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)
- Judgment in such case.