

V. And be it enacted, That whenever an action of Replevin shall be brought for the recovery of goods, chattels, or other personal property aforesaid, distrained for any cause, it shall be laid and brought in the County or United Counties in which the distress was made, and not elsewhere, and in other cases, the action shall or may be laid and brought in any County or United Counties.

Where the action may be brought.

VI. And be it enacted, That the Sheriff shall return the writ at or before the return day thereof, and shall annex thereto, and transmit therewith, the names of the persons who were sureties in the bond taken by him from the plaintiff, with their places of residence and additions, together with the date of such bond, and the name or names of the witnesses thereto, and shall state in his return the number, quantity and quality of the articles or property replevied thereunder.

What the Sheriff shall state in his return.

VII. And be it enacted, That the plaintiff and defendant to any such action or suit shall declare, avow, reply, rejoin and otherwise plead to issue, and have and take all subsequent proceedings to trial and judgment within the same time as in other personal actions, and in case of default or neglect so to do, shall be liable to the like judgment of discontinuance, *non pros.*, or nonsuit, as in other personal actions.

As to pleadings, &c. in such action.

VIII. And be it enacted, That where the original taking of the goods, chattels, or other personal property, is not complained of, but the action is founded on a wrongful detention thereof, the declaration shall conform to the writ, and may be the same as in an action of trover; and where the action is founded upon a wrongful taking and detention of the property aforesaid, it shall not be necessary for the plaintiff to state in his declaration a place certain within the city, town, township or village as that where the property was taken: Provided always, that if the defendant, in any such action last aforesaid, justifies or avows the right to take or distrain any such goods, chattels, or other property aforesaid, in or upon any place or premises, in respect of which the same would be liable to forfeiture, distress for rent, damage, custom; rate or duty, by reason of any law, usage or custom now existing and in force, such defendant shall state in such plea of justification or avowry, a place certain within the city, town, township or village within the County, as that where such property was so distrained or taken.

Declaration to be made to suit the case, &c.

Proviso: if the defendants avows and justifies.

IX. And be it enacted, That the defendant shall be entitled to the same pleas in abatement or bar as heretofore, and may plead as many matters in defence as he shall think necessary, and which would by law constitute a legal defence, if such action was an action of trespass,

What pleas and matters of defence the defendant shall have.