before us in our Court of Queen's Bench (or Court of Common Pleas,) at Toronto, (or our County Court,) at in and for the County, (or United Counties, as the case may be) within eight days after service of a copy of this writ upon the said (C. D.) to answer to the said (A. B.) in a plea of taking and unjustly detaining (or unjustly detaining, as the case may be,) his goods, chattels and personal property aforesaid: And what you shall do in the premises, make appear to us in our said Court on the day and at the place aforesaid: And have there and then this writ.

Witness Court, at

this

day of

of our said A. D. 18

Affidavit to be taken before

II. And be it enacted, That before any writ of Replethe writissues, vin shall issue for the recovery of any such goods, chattels, or other personal property, the person claiming the same, his servant or agent, shall make an affidavit that such person claiming as aforesaid, is the owner of the 5 property claimed, which shall be described in such affidavit, or that he is lawfully entitled to the possession thereof, and shall state the value thereof to the best of the deponent's belief, which affidavit shall and may be sworn before a Judge of one of the Superior Courts of 10 Record in Upper Canada, the Judge of the County Court, or a Commissioner for taking affidavits in Her Majesty's Court of Queen's Bench or Common Pleas in Upper Canada, and shall be entitled in the Court in which such action of Replevin may be brought, and fyled therein, to 15 be kept among the papers in the cause.

Defendant not appearing Plaintiff may fyle appearance for him and proceed.

III. And be it enacted, That when the party or parties, defendant in any such suit of Replevin, shall have been duly and personally served with a copy of the writ of Replevin issued in any such suit, and if he, she or they do not enter 20 their appearance in such suit, at the return of such writ of Replevin, the plaintiff or plaintiffs in such action may, after fyling such writ, with an affidavit of the service thereof on the defendant, enter a common appearance for such defendant or defendants, and proceed thereon as if 25 such defendant or defendants had appeared. 138 44

Condition and amount of taken by the Sheritf.

IV. And be it enacted, That the condition of the bond the Bond to be to be taken by the Sheriff executing any such writ of Replevin, and prescribed by the Act of the late Province: of Upper Canada, passed in the fourth year of the Reign 30 of His late Majesty King William the Fourth, chapter seven, intituled, " An Act to facilitate the remedy by Replevin," may be altered in the wording thereof so as to correspond with the writ in any such action to be brought; and the said bond shall be taken for treble the amount of 35 the value of the property to be replevied as sworn to in a the affidavit fyled by or on behalf of the claimant or plaintiff, and stated in such writ of Replevin.