

B I L L .

An Act to amend and extend the Law relating to the remedy by Replevin in Upper Canada.

WHEREAS it is expedient to amend and extend the Preamble. remedy by Replevin in Upper Canada: Be it therefore enacted, &c.

That whenever any goods, chattels, or other personal
5 property, for the taking or detention of which an action of
trespass or trover may now be sustained, have been or shall
have been wrongfully distrained, or otherwise wrongfully
taken, or have been or shall be wrongfully detained, the
owner, or person or persons, or corporation, who by law
10 can now maintain an action of trespass or trover for personal
property, shall have and may bring an action of Replevin for the recovery of such goods, chattels, or other
personal property aforesaid, and for the recovery of the
damages sustained by reason of such unlawful caption
15 and detention, or of such unlawful detention, in like manner
as actions are now by law brought and maintained by any person complaining of an unlawful distress; and the writ of Replevin to be issued in any such case or action
hereafter to be brought, shall be framed, according to the
20 circumstances of each case, and tested in the name of the
senior Judge of the Court out of which the same shall issue, and on the day of the month and year in which it shall issue, and be returnable on the eighth day after the service of a copy thereof on the defendant, and may be
25 in the following form:

Action of Replevin to lie in certain cases where actions of trover or trespass now lie.

Writ may be in a certain form.

County } Victoria, by the Grace of God, of the The Form.
or } United Kingdom of Great Britain
United Counties } and Ireland, Queen, Defender of
of } the Faith.
(as the case may be.) }

To the Sheriff of (here insert name of County or United Counties);—Greeting:

We command you that without delay you cause to be Replevied to (A. B.) his goods, chattels and personal property following: That is to say, (here set out the description of property as in the affidavit filed,) which the said (A. B.) alleges to be of the value of and which (C. D.) hath taken and unjustly detains, (or unjustly detains, as the case may be) as it is said, in order that the said (A. B.) may have his just remedy in that behalf: And that you summon the said (C. D.) to appear