



1914

c 69 Replevin Act

Ontario

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CHAPTER 69.

An Act respecting Actions of Replevin.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Replevin Act*. 9 Edw VII. c. 38, s. 1.

Interpretation. 2. In this Act,

"Sheriff." "Sheriff" shall include any officer to whom an execution or other process is directed. 9 Edw. VII. c. 38, s. 2.

WHEN GOODS REPLEVIABLE.

When goods may be replevied.

3. Where goods, chattels, deeds, bonds, debentures, promissory notes, bills of exchange, books of account, papers, writings, valuable securities or other personal property or effects have been wrongfully distrained or have been otherwise wrongfully taken or detained, the owner or other person capable of maintaining an action for damages therefor may bring an action of replevin for the recovery thereof, and of the damages sustained by reason of such distraint, taking or detention. 9 Edw. VII. c. 38, s. 3.

Goods seized under legal process.

4. An action of replevin shall not be brought for the recovery of personal property seized under process by and in the custody of a sheriff, bailiff or other officer, or for the recovery of any liquor seized by a license inspector, constable or other officer under *The Liquor License Act*. 9 Edw. VII. c. 38, s. 3; 1 Geo. V. c. 17, s. 12.

Rev. Stat. c. 215.

Power of sheriff to make search under order of replevin in dwelling house of defendant or others holding for him.

5. Where a sheriff has in his hands an order of replevin, and the property to be replevied or any part thereof is reasonably supposed to be secured or concealed in any dwelling house of the defendant, or of any other person holding the same for him, and the sheriff publicly demands at the door of such dwelling house delivery of the property to be replevied, and the same is not delivered to him within six hours after such demand, he may, and shall, if necessary, but during daylight only, break open such dwelling house for the purpose of replevying such property or any part thereof, and, if found therein, shall make replevin according to the order. 9 Edw. VII. c. 38, s. 5.

6. Where the property to be replevied, or any part thereof, is reasonably supposed to be secured or concealed in an enclosure other than a dwelling house of the defendant, or of another person holding the same for him, and the sheriff publicly demands at the enclosure delivery of the property to be replevied, and the same is not forthwith delivered to him, he may, and shall, if necessary, at once break open such enclosure for the purpose of replevying such property, or any part thereof, and, if found therein, shall make replevin according to the order. 9 Edw. VII. c. 38, s. 6.

When concealed in other enclosure.

7. Where the property to be replevied, or any part thereof, is reasonably supposed to be concealed either about the person or on the premises of the defendant, or of any other person holding the same for him, and the sheriff demands from the defendant, or such other person, delivery thereof, and delivery is neglected or refused, he may, and if necessary shall, search and examine the person, and, subject to the next two preceding sections, the premises of the defendant or other person, for the purpose of replevying the property, or any part thereof, and, if found, shall make replevin according to the order. 9 Edw. VII. c. 38, s. 7.

When concealed on person, etc.

REPLEVIN IN COUNTY COURTS.

8. The County and District Courts shall have jurisdiction in replevin as is provided in *The County Courts Act*. 10 Edw. VII. c. 26, s. 8.

Jurisdiction of County or District Courts.
Rev. Stat. c. 59.

REPLEVIN IN DIVISION COURTS.

9. Where the value of the property distrained, taken or detained does not exceed \$60, and the title to land is not brought in question, the action may be brought in the Division Court for the division within which the defendant or one of the defendants resides or carries on business, or where the property was distrained, taken or detained. 9 Edw. VII. c. 38, s. 9.

Jurisdiction of Division Court.