

rant, shall not be liable to the penalties of the act to which this is a supplement.—*ibid.* § 7.

12. All replevins sued out in virtue of this act, shall be tried and determined at the court to which the same shall be returnable, unless, upon special reasons shewn to the court, on affidavit in writing, they shall otherwise order.—*ibid.* § 8.

13. Every justice shall lodge with the county clerk, to be by him safely kept, the affidavit or affirmation of the party applying for such warrant; and any person wilfully swearing or affirming falsely in the premises, shall, upon conviction in a court of law, be liable to the penalties of perjury.—*ibid.* § 9.

14. Before any clerk shall issue a writ of replevin the plaintiff or plaintiffs shall enter into bond, with two sufficient sureties, in double the value of the property to be replevied, in the same manner as in other cases of replevin.—*ibid.* § 12.

15. The court to which replevins are returned, shall have authority upon a motion being made by the defendant for a return of the property taken, to inquire into the circumstances and manner of the defendant's obtaining possession, and if it shall appear forcibly or fraudulently obtained, or that the possession first being in the plaintiff was got or retained by the defendant, without proper authority or right derived from the plaintiff, then the court may refuse to order a return to the defendant until a judgment is given in the action.—1785, c. 80, § 14.

16. Any person may commence, prosecute, and carry on to final judgment, in the county court of the county where the defendant or defendants may reside, any action or suit at law whatsoever, whether the same be for recovery of any debt or damages, or of the right or possession to or of any lands, tenements or hereditaments, or of goods and chattels, by writ of replevin.—1785, c. 87, § 1. See *Limitation of actions*, 1.

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## R E S I D U A R Y L E G A T E E.

ANY legatee or other, having right to any legacy or residue of any deceased persons estate, after 12 months from the date of the letters testamentary or of administration, may demand and sue for such legacy or residuary part as shall then appear to be due, by such accounts as shall then be made up, and such legacies or residuary part shall then be paid or recovered out of the full estate, as if no disbursements for debts or charges were to be made thereout; such persons giving security to refund to such executor, &c. according to the *English Stat.* of 22 and 23. Car. II. Cap. 10.—1718, c. 5, § 2.

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RETAILERS