

To be had of right in Crown cases.

XIV. In all cases in which the Crown may be actually or immediately interested, a trial *at bar* may be had as of right upon the same principle, and be regulated and governed thereby as in similar cases in England.

When such trial may be had.

XV. If any trial *at bar* shall be directed by either of the said Courts, it shall be competent to the Judges of such Court to appoint such day or days for the trial thereof as they shall think fit, and the time so appointed, if in vacation, shall, for the purposes of such trial, be deemed and taken to be a part of the preceding term.

Garnishees.

And as to proceedings against Garnishees; Be it enacted as follows:

What order shall be made when the amount is within the jurisdiction of a County or Division Court.

Notice to garnishee.

Execution from County or Division Court, if the garnishee does not dispute the debt.

Proceedings if he disputes the debt.

XVI. When the amount claimed as due from any garnishee, shall be within the Jurisdiction of any County or Division Court, the order to be made under the one hundred and ninety-fourth section of the Common Law Procedure Act, 1856, shall be for the garnishee to appear before the Judge of the County Court of the County within which the garnishee resides—at some day and place within his County to be appointed in writing by such Judge—and written notice thereof shall be given to the garnishee at the time of the service of the order, and if the garnishee does not forthwith pay the amount due by him, or an amount equal to the Judgment debt, and does not dispute the debt due or claimed to be due from him to the Judgment debtor, or if he does not appear before the Judge named in the order at the day and place appointed by such Judge, then such Judge may, on proof of service of the order and appointment having been made four days previous, make an order directing execution to issue out of the County Court or out of a Division Court according to the amount due, and which order shall be sufficient authority for the clerk of either of such Courts to issue execution without any previous writ or process, to levy the amount due from such garnishee; and the Sheriff or Bailiff to whom such writ of execution shall be directed, shall be thereby authorized to levy, and shall levy the amount mentioned in the said execution, towards satisfaction of the Judgment debt, together with the costs of the proceeding, to be taxed, and his own lawful fees, according to the practice of the Court from which such execution issues; but if the garnishee disputes his liability, such Judge may order that the Judgment creditor shall be at liberty to proceed against the garnishee according to the usual practice of the County or Division Court as the case may require, for the alleged debt or for the amount due to the Judgment debtor if less than the Judgment debt, and for costs of suit, and payment by or execution levied upon the garnishee, in any such case shall be a valid discharge to him as against the Judgment debtor to the amount paid or levied, although the proceeding may be set aside or the Judgment reversed.

And