

Division Courts Act of 1850, and whether the claim of the judgment debtor be founded on an open account or otherwise being in the nature of debt; and all rules and forms adopted in the said Division Courts shall be applicable thereto, and to the proceedings of the judgment creditor under this Act.

XIX. The costs of the Bailiff and other officers and persons for notices, mileage, postage and otherwise necessarily incurred, shall be taxed by the Judge and added to the expenses of the execution of the judgment creditor, and form part of the lawful expenses thereof, such taxation being governed by allowances and charges under the tariff of fees now in force in the said Division Courts.

XX. Any monies in the hands of a Division Court Clerk or Bailiff coming to any such garnishee herein before mentioned shall after notice to them respectively by the judgment creditor of his claim, be withheld from the judgment debtor, for the space of *twenty* days; and if the execution of the judgment creditor be not discharged in the meantime or satisfied, the said Clerk or Bailiff may pay over sufficient of the said monies to discharge the claim of the judgment creditor, and such Clerk and Bailiff respectively shall thereupon be discharged and freed from all further liability to the judgment debtor as fully as any debtor of such judgment debtor is by the provisions of this Act discharged to the extent of the claim of the judgment creditor.

XXI. In case any judgment debtor shall have recovered a judgment against his debtor, (the garnishee) and has not enforced the payment of the same, it shall and may be lawful for the judgment creditor having an execution unsatisfied to demand an execution on such first mentioned judgment in the name of the judgment debtor, and to proceed thereon to levy the amount thereof in the same manner and subject to the rights, liabilities and provisos contained in the ninetieth section of "The Upper Canada Division Courts Act of 1850," as if he had caused the said suit to be instituted under the provisions of such section.

XXII. After notice by a judgment creditor, having an execution as hereinbefore mentioned, to a Division Court Clerk or Bailiff, the said Clerk and Bailiff shall be respectively liable to him for the amount of the monies of the judgment debtor in their hands, or so much as may be necessary to pay the amount of the claim and costs; and in the event of non-payment to him he may maintain an action in his own name for the amount, or may adopt any other remedy against the officer, that such officer is now liable to under the provisions of any of the Acts in force relating to Division Courts.

And in case any Clerk of a Division Court shall refuse without good cause to issue to such judgment creditor an execution as hereinbefore provided, upon any unsatisfied judgment of the judgment debtor, he shall be liable for all loss and damage accruing to the said judgment creditor to be recovered in his own name in any form of proceeding authorized by any of the said Acts to be adopted against Clerks or other officers of the Court.

XXIII. In future, when a creditor desires to take out an execution upon a judgment more than one year old, upon which no

Costs.

Liability of Clerk or Bailiff with respect to monies in their hands belonging to garnishee.

Judgment debtor having judgment against garnishee, judgment creditor may demand execution.

Clerks and Bailiffs after notice by judgment to creditor to be liable to him for monies of judgment debtor in his hands.

Clerk refusing to issue execution to be personally liable.

Affidavit of facts before Clerk to serve