

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 5 although the proceeding may be set aside or the Judgment reversed.

And with respect to execution ; Be it enacted as follows :

- XIV. After this Act shall come into force, the sheriff, or other officer having the execution of any writ of *fiery facias* against goods sued or to be sued out of either of the said Courts, or of any precept made in pursuance thereof, may and shall seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money belonging to the person against whose effects such writ of *fiery facias* shall be sued out, and may and shall pay to the party suing out such execution any money or bank notes, which shall be so seized or a sufficient part thereof, and may and shall hold any such cheques, bills of exchange, promissory notes, bonds, specialties or other securities as a security or securities for the amount by such writ of *fiery facias* directed to be levied, or so much thereof as shall not have been otherwise levied or raised, and may sue in the name of such sheriff for the recovery of the sum or sums secured thereby, if and when the time of payment thereof shall have arrived ; and the payment to such sheriff or other officer by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty or other security with or without suit, or the recovery and levying execution against the party liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty or other security, and such sheriff may and shall pay over to the party suing out such writ, the money to be so recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied ; and if after satisfaction of the amount so to be levied together with sheriff's poundage and expences, any surplus shall remain in the hands of such sheriff, the same shall be paid to the party against whom such writ shall be so issued ; provided that no such sheriff shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party suing out such execution shall enter into a bond with two sufficient sureties for indemnifying him from all costs and expences, to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof ; the expence of such bond to be deducted out of any money to be recovered in such action.

Sheriff may seize money, and securities for money.

Money seized to be paid over to party taking out the execution.

How the securities seized shall be dealt with.

Payments thereon to the Sheriff to be valid.

Sheriff to pay over money so paid to him.

Surplus to be paid to the party against whom the execution issued.

Sheriff not bound to sue until secured.

XV. From and after the twenty-first day of August next, Sect. 19 of the nineteenth section of the Act of the Parliament of this Pro- 12 V. c. 63,