

participation in the proceeds of the goods, chattels and property so attached, until all the others are paid in full.

Debts due execution debtor may be garnished.

Proceedings in such case.

Garnishee failing to deny or pay the debt to be held liable to execution creditor for amount of judgment and costs due.

Proviso: payment by garnishee before notice of execution to be a discharge as against judgment debtor and creditor.

Judgment creditor to take proceedings if garnishee disputes liability.

XVII. Debts due to the execution debtor shall, after execution issued, become debts due to the execution creditor to the amount of his claim and costs, and such debtor of the judgment debtor shall be termed the garnishee, and the execution creditor shall recover from such garnishee in the same manner as if the debt had originally been due to him the said creditor; and in case the execution debtor has no other means more directly available, it shall be the duty of the Bailiff having the execution in hand, upon being informed of the fact of any debt or debts due to the execution debtor, to notify in writing the garnishee or garnishees to pay no person the said debt or debts except to him the said Bailiff, or to the Clerk of his Division, and to appear within twelve days before the Clerk of the said Division to admit or deny the alleged debt; and if the garnishee or garnishees shall live without the Division of such Bailiff, it shall be the duty of the Clerk thereof, upon information received from the Bailiff, or upon application made by the Plaintiff or other party entitled to the execution or agent, to transmit the requisite information to the Clerk of the Division wherein the garnishee or garnishees reside or carry on business: And it shall be the duty of the last mentioned Clerk to cause his Bailiff to notify in writing the garnishee or garnishees in the same manner and form as the first mentioned Bailiff is instructed and required to do; and if, in either case, or mode of proceeding, as above mentioned, the garnishee or garnishees so notified shall refuse to give the Bailiff an admission or denial in writing of the alleged debt, or do not forthwith pay into the hands of the Clerk of the Bailiff's Division the amount due from him or them to the judgment debtor, or an amount equal to the claim and costs, and do not dispute the debt due, or claimed to be due from him to the judgment debtor, or if he or they do not appear upon the said notice so to be given as hereinbefore provided, the said garnishee or garnishees shall be and be held liable to the execution creditor for the amount of the judgment and all costs due, or for so much thereof as the said garnishee or garnishees owed to the said execution debtor at the time of receiving the notice hereinbefore required to be given, and the judge of the Court of the Division for which the Bailiff hereinbefore first mentioned acts, upon proof of the proceedings and default in payment or appearance by the garnishee or garnishees, may order an execution to issue against him or them in due form, at the suit of the judgment creditor, and it may be sued forth accordingly without any previous process, to levy the amount due from such garnishee or garnishees towards satisfaction of the judgment, debt and costs.

Provided always, that payment of the garnishee before notice of an execution issued in a Division Court against his creditor, shall be a discharge of the debt not only as against the creditor, but as against the judgment creditor of such judgment debtor; And provided also, that payment made by the garnishee before or after execution upon receiving such notice as aforesaid shall be a valid discharge to him as against the judgment debtor to the amount paid, although such proceeding may be set aside or the judgment reversed or vacated.

XVIII. If the garnishee disputes his liability, the judgment creditor shall be at liberty to proceed against the garnishee in the same manner and form as provided for in the ninetieth section of the Upper Canada