

same, or the value of the property so taken and seized, to the claimant or claimants, or shall produce such property whenever thereunto required to satisfy such judgment, it shall and may be lawful for such Clerk to supersede such warrant, and all and singular the property which may have been attached shall be restored.

Sale of property attached if security be not given.

XLIV. If after the period of one month from the seizure aforesaid, the party against whom the warrant issued, or some one on his behalf, do not appear and give such bond with sureties conditioned as above mentioned, whenever and as soon as judgment shall have been obtained upon such claim or claims, execution thereupon may immediately issue, and the property seized upon such attachment or attachments, or enough of such property to satisfy the same, may be sold thereon to satisfy the same according to law, or enough of the proceeds thereof may be applied to satisfy the judgment and costs, if the same shall have been previously sold under the provisions of this Act, as perishable property.

Service of process in cases of Attachment as aforesaid.

XLV. In order to proceed in the recovery of any debt due by the person against whose property a warrant shall have issued under this Act, where process shall not have been previously served, the same may be served either personally or by leaving a copy at the last place of abode of the defendant, with any person or persons there dwelling, or by leaving the same at the said dwelling, if no person be there found; and in every case, all subsequent proceedings shall and may be conducted according to the usual course of practice and proceedings in the said Division Courts; Provided always, that if it shall appear to the satisfaction of the Stipendiary Magistrate in the trial of any cause, upon affidavit or other sufficient proof, that the creditor or creditors suing out an attachment under the provisions of this Act, had not reasonable or probable cause for taking such proceeding, then it shall be the duty of such Stipendiary Magistrate to order that no costs whatever shall be allowed to such creditor or creditors, plaintiff or plaintiffs therein, and no costs in such case shall be recovered in the cause.

Proviso: if creditor had no reasonable cause of attachment.

Sale of perishable articles.

XLVI. In case any horses, cattle, sheep or other perishable goods or chattels shall be taken upon any warrant to be issued under this Act, it shall be lawful for the Clerk of the Court in whose custody or keeping the same shall be, to have the same valued by two indifferent persons, and at the request of the plaintiff suing out the warrant, to expose and sell the same at public auction to the highest bidder, giving at least eight days' notice, at the office of the Clerk of the said Division Court, and at two other public places within such Division, of the time and place of such sale, if the articles seized will admit of that notice, otherwise to sell the same at his discretion; Provided always, that it shall not be compulsory upon the Bailiff or Constable to seize, or upon the Clerk to sell such perishable articles, until the

Proviso: security to be given by party seizing.

party