

so received or paid to him, upon demand made by the suitor or his agent.

XIII. The Judge of the County Court of the proper County shall forthwith, upon complaint made to him in writing by any Clerk as
 5 hereinafter provided for by any interested party or his agent, proceed summarily, without process, and cause the Bailiff complained of forthwith to answer orally or otherwise in the matter alleged, and shall thereupon make such order therein as may appear to be just; and also, with respect to any loss, damage, or expenses suffered by the suitor,
 10 and in order so to decide and determine may receive affidavits of the parties and their witnesses if necessary, such affidavits to be sworn before any officer now authorized to take the same in the said Courts.

Proceedings
by Judge on
complaint
against Bailiff.

XIV. The Clerk of a Division Court sending any such summons or other process as hereinbefore mentioned in preceding sections to
 15 another County or Division for service or execution, shall cause the postage thereon to be prepaid, and also shall be personally liable as well as his sureties, to the Clerk of such other Division, for all lawful fees payable to himself and the Bailiff, or to either of them, for the services rendered thereupon; and he shall, within one week after receiving the return of any such process in due form, and in due time
 20 for his Court (in the case of a summons) cause the said fees to be paid over to the Clerk entitled to receive them.

Postages on
summonses
sent from one
Division to
another to be
prepaid.

XV. Notwithstanding anything contained in section sixty-four of the Upper Canada Division Courts Act of 1850, or in the Schedule D of
 25 the said Act, or in any other Act or Acts, or in any Rule or Form established under the authority of the said Acts, or any of them, for the purposes of attachment, it shall be sufficient that the creditor or agent swear that the debtor is indebted to him in the amount claimed, and that he the creditor or agent believes the debtor to be making or intending to make a fraudulent disposal of his property, or that the debtor
 30 has threatened to make such fraudulent disposal of his property, although it be not sworn that such debtor has absconded from the Province: Provided, however, that no attachment shall issue upon any such affidavit of a creditor or his agent, unless the facts above mentioned as necessary to be sworn to by the creditor or his agent shall be
 35 corroborated by the affidavit of one credible person who is acquainted with the debtor.

Not necessary
to swear that
debtor has
absconded to
obtain attachment.

Proviso: affidavit of creditor to be corroborated.

XVI. Notwithstanding any thing contained in section seventy-five of "the Upper Canada Division Courts Act of 1850," creditors who
 40 have proceeded to execution before any attachment issued, or who may proceed to execution at the first Court within the Division after the issue of the first attachment, and whose judgment and execution shall not have been satisfied, shall be entitled to participate *pro rata* in the proceeds of the goods, chattels, and property which shall have been
 45 attached, in the same manner as any attaching creditor is, or may be entitled to participate according to the provisions of the said section herein mentioned: Provided, however, that any goods or chattels held under any execution, issued before any attachment issued and remaining unsold, shall be surrendered to the attaching officer for the distribution contemplated by the said section mentioned and by this one,
 50 otherwise the creditor therein shall be debarred and excluded from any

Creditors proceeding to execution before attachment issued to take *pro rata*.

Goods held under execution before attachment issued to be surrendered to attaching officer.