

seized upon any such attachment shall be liable to seizure and sale under the execution to be issued upon such judgment or the proceeds thereof in case such property shall have been sold as perishable, shall be applied in satisfaction of such judgment; Provided further, that it shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the provision of this section, but any plaintiff having a cause of action above the value of twenty-five pounds, for which an attachment might be issued under this section, if the same were not above the value of twenty-five pounds, may abandon the excess, and upon proving his case, shall and may recover to an amount not exceeding twenty-five pounds, and the judgment of the Court in such case shall be in full discharge of all demands in respect of such cause of action, and the entry of judgment therein shall be made accordingly.

Proviso: plaintiff not to divide his claim; but may abandon excess.

XLI. Whenever several attachments shall be issued against any party, the proceeds of the goods and chattels attached shall not be paid over to such attaching creditors according to priority, but shall be rateably distributed amongst such attaching creditors as shall obtain judgment against the debtor in proportion to the amount of the sums really due upon such judgments, and no distribution shall take place until a reasonable time in the opinion of the Judge, has been allowed to the several creditors to obtain judgment; and if such goods and chattels shall not be sufficient to satisfy the claims of all the attaching creditors, none shall be allowed to share unless he shall have sued his attachment within one month from the issuing of the first attachment, and the costs of the first attaching creditor shall be paid in full.

In case of several Attachments, proceeds to be distributed rateably, and among whom.

XLII. All property seized under the provisions of the next preceding section, shall be forthwith handed over to the custody and possession of the Clerk of the Division Court of the Division within which the warrant was issued, who shall take the same into his charge and keeping, and shall be allowed all necessary disbursements for keeping the same.

Custody of property attached.

XLIII. If any person against whose estate or effects such warrant or warrants as aforesaid may have been issued, or any person on his behalf, shall, at any time prior to the recovery of judgment in the cause, execute and tender to the creditor or creditors who sued out such warrant or warrants as aforesaid, and shall file in the Division Court to which the warrant or warrants of attachment shall have been returned, a bond, with good and sufficient sureties, in the form in Schedule marked D, to be approved of by the Clerk of the Division Court, binding the obligors jointly and severally in double the amount of the sum claimed, with condition that the debtor or debtors (*naming him, her or them*) shall, in the event of the claim being proved and judgment being recovered thereon, as in other cases where proceedings have been commenced against the person, pay the same,

Attachment dischargeable by giving security.