

to the sale of so much of the said goods and chattels as may be necessary in the first place to repay such execution creditor the amount so deposited by him as aforesaid and interest thereon from the time the same has been deposited, and then to satisfy and discharge the amount of the said Execution and expenses allowed by Law for making such seizure and sale.

XIV. Upon the return day mentioned in such Rule and Summons it shall be lawful for such Court or Judge, in case the parties named therein and to whom it was directed do not appear to answer thereto, or appearing, do not give satisfactory evidence of the amount due upon such Mortgage, upon proof by affidavit of the due service of such Summons in manner hereinbefore provided, to make with respect to the amount to be deposited by such Execution for the satisfaction of such Mortgage or as to the discharge or setting aside of such Mortgage, a Rule or Order directing the registry of such Mortgage without any deposit of money or otherwise to be entirely set aside, and upon a copy of such order entirely setting aside such Registry being furnished to the Clerk with whom such Mortgage is filed, he shall endorse upon the back of such Mortgage the words, "Registry set aside by Judge's Order, dated 18 ,," inserting the date of such Order, and shall also attach such copy of Order to such Mortgage or copy of Mortgage for the inspection of all parties interested, and thereupon the Registry of such Mortgage and shall be set aside and be from thenceforth null and void and as if it never had been made.

Former mortgage may be set aside by the Judge in certain cases.

Former mortgage to be void thereafter.

XV. Neither the Sheriff or officer having the execution of such process, nor the Judgment creditor or other party acting in execution of such process, shall be liable to any action or suit at Law or Equity for the seizure and sale of so much of the said goods and chattels as may be necessary to satisfy the amounts mentioned in the preceding section of this Act or any part thereof, after the making of such Rule or Order; and in any action in respect thereof the parties hereinbefore named may plead the general issue, and give this Act and the special matter in evidence under such plea, as a complete and entire defence to such action, any law, usage, or custom to the contrary notwithstanding.

Indemnity to Sheriff, &c., acting under this Act.

XVI. For services under this Act the Clerks aforesaid shall be entitled to receive the following fees:—For filing each Instrument and Affidavit, and entering the same in a book as aforesaid *one shilling and threepence*; for searching for each paper, *sixpence*; for filing Certificate of Judgment, *one shilling*; for filing copy of Judge's Order or Rule setting aside Registry or Mortgage, *one shilling*; and for copies of any Document with Certificate prepared, filed under this Act, *sixpence*, for every hundred words.

Fees for services under this Act.

XVII. All affidavits and affirmations required by this Act shall be taken and administered by any Judge or Commissioner of the Courts of Queen's Bench or Common Pleas, or Registrar or Deputy Registrar, or Master or Master Extraordinary in Chancery, or Justice of the Peace in Upper Canada, and the sum of *one shilling*, shall be paid for each and every oath thus administered.

Fees on affidavits.

XVIII. The Act passed in the twelfth year of Her Majesty's Reign, chapter 74, intituled, "*An Act requiring Mortgages of Personal Property, to be filed in Upper Canada*," and the Act passed in the Session held in the 13th and 14th years of Her Majesty's Reign, chapter 62, intituled,

Acts 12 V. c. 74. and 13, 14 V., c. 62. repealed.