

delivery, then the plaintiff, his Attorney or agent shall be entitled to receive back the said Writ, and such Sheriff, Deputy Sheriff or Clerk, shall indorse thereupon the time of such re-delivery of such Writ, and in the taxation of costs, the costs of the mileage and service of such Writ by any literate person afterwards, shall be allowed as if the same had been served by the Sheriff or his officer.

XIV. And be it enacted, That in cases of attachments sued out under the Absconding Debtors' Acts, the Sheriff having the execution thereof, with leave of the Court out of which any such attachment shall issue or of a Judge thereof, may at the request of the attaching Creditor, in his own name as such Sheriff sue and recover from any person or persons any debt, claim, demand or right of action attachable under the said Acts due and owing to or recoverable by the Absconding Debtor—and the said Sheriff shall deposit the monies received or recovered in any such action, as such Court or a Judge thereof shall order and direct in the rule granting the leave aforesaid, until such monies shall be eventually applied or distributed according to law; Provided, that the Sheriff shall not be bound to sue any party as aforesaid, unless the attaching Creditor shall enter into a bond with two sufficient sureties, indemnifying him from all costs and expenses to be incurred in the prosecution of such action or to which he may become liable in consequence thereof.

Sheriff may sue in certain cases under Absconding Debtors' Acts for debts, &c., attached.

Deposit of monies recovered.

Proviso.

XV. And be it enacted, That in the event of any Clerk of Assize being absent, or being prevented by illness or other cause from performing his duties as such Clerk, the presiding Judge of Assize may authorize some person to act as Clerk of Assize; Provided that if such Clerk, so absent, or prevented from performing his duties as aforesaid, be not a Clerk of a County Court the Clerk of the County Court of the County or United Counties as the case may be, (except the United Counties of York, Ontario and Peel,) may perform the duties of Clerk of Assize, and such County Court Clerk, or other person so substituted, shall be entitled to receive the remuneration payable for the performance of such duties.

In case of absence of Clerk of Assize to substitute to act.

County Court Clerk may act: exception.

Proviso.

XVI. And be it enacted, That in addition to the duties authorized and required to be performed by the Judges of the County Courts in Upper Canada, by the 35th Section of the Act of the Parliament of this Province, passed in the 12th year of Her Majesty's Reign, and chaptered amongst the Public Acts of the Session as chapter 63, the said Judges are hereby authorized and required to hear and determine applications, and to grant Summonses and orders for the payment of monies into Court, and also Summonses and Orders for the admission of documents in evidence under the 28th Rule of the Rules, Orders and Regulations referred to in the Act

Judges of County Courts may hear applications and grant summonses for certain purposes.