

after satisfaction of the amount so to be levied together with sheriff's poundage and expenses, any surplus shall remain in the hands of such sheriff or other officer, the same shall be paid to the party against whom such writ shall be so issued; provided that no such sheriff or other officer shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party suing out such execution shall enter into a bond with two sufficient sureties for 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; the expense of such bond to be deducted out of any money to be recovered in such action.

Surplus to be paid to the party against whom the execution issued. Sheriff not bound to sue until secured.

XXIII. The necessary wearing apparel, the bed and bedding, and one stove and the cooking utensils, of a party against whom any writ of execution may be issued, or of his family, and also the tools and implements of his trade to the value of fifteen pounds, shall be protected from seizure under any execution from either of the said Courts or from any County Court.

Apparel, tools, &c., exempted from execution.

XXIV. Where a writ against the goods of a party has issued from either of the said Courts or from any County Court, and a warrant of execution against the goods of the same party has issued from a Division Court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the sheriff to be executed, or of the warrant to the bailiff of the said Division Court to be executed; and the sheriff, on demand, shall, by writing signed by him or his deputy or any clerk in his office, inform the bailiff of the precise time of such delivery of the writ, and the bailiff, on demand, shall shew his warrant to any sheriff's officer; and such writing purporting to be so signed, and the endorsement on the warrant shewing the precise time of the delivery of the same to such bailiff, shall respectively be sufficient justification to any bailiff or sheriff acting thereon.

Case in which execution shall be out from County Court and Division Court at the same time, against the same debtor, provided for.

And with respect to debtors in close custody; Be it enacted as follows :

XXV. In all cases in which the sheriff of any County or Union of Counties shall take from any debtor confined in the gaol thereof a bond under the provisions of the three hundred and second section of the Common Law Procedure Act, 1856, such bond shall, in addition to the conditions in the said three hundred and second section mentioned, contain a further condition that the said debtor shall, within thirty days from the delivery thereof to the sheriff, cause and procure the said bond, or that to be substituted for the same according to the provisions hereinafter contained, to be allowed by the Judge of the County Court of the County or Union of Counties wherein the debtor is confined,

Further condition in the bond—that it shall be allowed by a County Judge within 30 days.