

plaint thereof forthwith to the Judge of the County appointing such Bailiff, and also to report to the Clerk from whom the process was received, before the return day, in cases other than final process, and in cases of final process immediately after the return day, the cause of the non-return and the proceedings had in consequence thereof; and in case the summons be against the Bailiff, he shall be bound to accept the same when handed to him by the Clerk, whose duty it shall be to make the required return thereon.

IV. That the Bailiff omitting to make the return in due time of any such process mentioned in the preceding section, and authorised by any law to be issued, shall be liable to pay all damages and extra expense caused to any suitor, and his sureties shall also be deemed and made liable to him therefor, as for any default with respect to any proceeding or process in the Division of such Bailiff, and if he has been paid any fees or money for such service, and his default renders the service abortive, he shall refund the whole upon demand made by the suitor.

V. That the Judge of the County Court of each County shall forthwith, upon complaint made to him by any Clerk or any interested party or his agent, as hereinbefore provided, cause the Bailiff complained of to forthwith answer orally or otherwise, in the matter alleged, and shall make such order therein as may appear just, and also with respect to any loss, damage, or expense suffered by the suitor.

VI. The plaintiff's books, if kept to the satisfaction of the Judge, shall be admitted as evidence, in all cases where it is shown that defendant has been in the habit of dealing with or employing the plaintiff, but nothing herein contained shall be taken to affect the right of oral testimony when admitted.

VII. That notwithstanding anything contained in section sixty-four of "the Upper Canada Division Courts' Act of 1850," for the purposes of attachment, it shall be sufficient that the plaintiff swear that the defendant is indebted to him in the amount claimed, and that he, the plaintiff, believes defendant to be making or intending to make a fraudulent disposal of his property, although it be not sworn that such defendant has absconded from the Province.

VIII. That debts due the execution debtor shall, after issue of execution, become debts due to the execution creditor, to the amount of his claim and costs, and he shall recover from the garnishee in the same manner as if the debt had originally been due to him, the said creditor; and in case the execution debtor has no other means more directly available, it shall be the duty of the bailiff having the execution in hand, upon being informed of the fact of any debt or debts due to the execution debtor, to notify in writing the garnishee or garnishees to pay no person the said debt or debts, except to him the said Bailiff, or to the clerk of his Division, and if the garnishee or garnishees so notified shall refuse to give the bailiff an admission or denial of the alleged debt, the said notice shall contain a summons to the said garnishee or garnishees so notified to appear within twelve days from the service of said notice, before the Clerk of the said Division, there to admit or deny the alleged debt: And if the garnishee or garnishees shall live without the division, it shall be the duty of the Clerk, upon information received from the bailiff, or upon application made by the plaintiff, to do so, to transmit the requisite information to the Clerk of the Division wherein the garnishee or garnishees reside or carry on business. And it shall be the duty of the last mentioned clerk to cause his bailiff to notify the garnishee or garnishees in the same manner as the first mentioned bailiff is instructed to do, and non-