

thereon; which bond shall upon order of the Court,—which term shall, as used in this Act, mean the Court in which the action is brought,—or upon order of a Judge thereof, be assigned by the Sheriff to the plaintiff, and may by the assignee be sued upon in his own name.

6. No writ of attachment shall issue out of any Court other than the Supreme Court or the County Court, and the proceedings in attachment shall be collateral to proceedings in the action.

FORM OF WRIT, &c.

7. The writ of attachment, which may be written on paper, shall be in the form A in the Schedule hereto, and shall be signed, sealed and tested in the same manner as the writ in the cause.

8. The writ of attachment together with the affidavit on which the attachment is issued, and a statement of the particulars of the plaintiff's demand, shall be annexed to the writ in the cause.

9. A copy of the writ of attachment and of the affidavit and particulars as aforesaid, shall, at the time of the service of the writ in the cause, be served upon the defendant; and the term defendant, as used in this part of this Act, shall, unless the context be repugnant thereto, mean the defendant whose property is directed to be attached.

10. Successive attachments may be made by the Sheriff under a writ of attachment previous to the return of the writ in the cause.

11. The Sheriff to whom the writ of attachment is directed, may send a copy of the writ of attachment, duly certified by him, to the Sheriff of any other County for execution in such other County, with directions indorsed thereon to attach for a certain amount, being an amount not greater than that named in the writ, and it shall thereupon be the duty of the Sheriff to whom such copy is sent, by himself or the Deputy Sheriff, to execute such attachment upon the property of the defendant in the County, to the amount for which he is so directed to attach the same; and he shall in the name of the Sheriff named in the writ file any necessary memorandum to secure such attachment, and hold the property as for the Sheriff of the County named in the writ; and all proceedings shall be carried on as if the attachment had been made by the Sheriff named in the writ; and in appraising or selling such property under the provisions of this Act, the Sheriff named in the writ shall have power to act by and through the Sheriff making the attachment, but no costs shall be allowed as against defendant for any copy of attachment so sent to the Sheriff of another County, unless an attachment be made thereunder.

12. The writ of attachment shall be returned at the same time as the writ in the cause, with a return of the doings of the Sheriff in relation thereto.

MODE OF ATTACHING PROPERTY.

13. The Sheriff upon receipt of the writ of attachment, shall forthwith proceed to execute the same by attaching so much of the property of the defendant as will be sufficient to answer the demand sworn to, together with forty dollars for costs in case the demand does not exceed two hundred dollars, and with eighty dollars for costs in case the demand exceeds two hundred dollars, and the attachment may be executed by the Sheriff or his deputy, or by any person by the Sheriff specially deputized under seal to execute the attachment.

14. In attaching real estate or any right or interest in any land, it shall not be necessary that the Sheriff should enter upon the land or be within view of it.

15. No attachment of real estate or of any right or interest in land shall be valid against any subsequent attaching creditor or any *bona fide* purchaser thereof after the same shall be attached, unless the Sheriff within five days thereafter files in the Office of Registrar of Deeds for the County in which the land is situate, a memorandum (B) in the Schedule hereto.

16. When the memorandum is filed as aforesaid the attachment shall take effect from the time the writ is received by the Sheriff, otherwise it shall take effect only from the time when the memorandum is filed, and from such time shall be valid against any subsequent attaching creditor or any *bona fide* purchaser thereof after the same shall be attached.

17. The Registrar shall endorse on every such memorandum the day, hour and minute he shall receive the same and shall file the same in his office, and shall also enter in a book to be kept by him for that purpose, called the Attachment Book, the names of the parties in the writ of attachment, the amount for which the attachment issued, and the time when the memorandum was received by him. The Registrar shall be entitled to a fee of twenty five cents for filing and entering as aforesaid, and he shall permit any person to see such Attachment Book and memorandum at any time during office hours, free of charge.

18. Personal property other than chattels real, shall be attached by the Sheriff taking and holding such property in his actual or constructive possession, by virtue of the writ of attachment.

19. When any personal property is attached which by reason of its bulk or other special cause cannot be immediately removed, the Sheriff may within five days thereafter file in the office of the Registrar of Deeds of the County in which the property is found, a memorandum as in the case of an attachment on real estate, and such attachment shall be as valid and effectual as if the property had remained in the possession of the Sheriff.

20. The Registrar shall endorse and file and make an entry of such memorandum in the said Attachment Book, as in the case of attachment of real estate, and shall be entitled to the same fees, and there shall be the same right of inspection.

21. Any share or interest of a person in an Incorporated Joint Stock Company may be attached, by leaving a copy of the writ of attachment, and of the affidavit and particulars, with the President, Secretary, Cashier or Manager of the Company, or with the clerk, agent or person appearing to have charge of the books and papers of the Corporation, and such attachment shall be a lien on such shares or interest, and all accruing dividends; and if the Sheriff exhibits the writ of attachment to the officer of the Company having custody of the account of the shares or interest of the stockholders, and requests a certificate of the number and amount of shares held by the defendant in the Company, and the officer unreasonably refuses or neglects to give it, or wilfully gives a false certificate, he shall pay double the damages caused by such refusal, neglect, or wilful act, to be recovered against him in an action by the creditor.

ATTACHMENT OF MORTGAGED PROPERTY.

22. A right in equity of redeeming lands which are mortgaged may be attached in the same manner as real estate as