

parties to whom such moneys are paid, but the costs and charges incident to such sales shall be allowed. Provided, however, that such action be commenced within four months from the death of the defendant.

54. In case of an assignment in Insolvency, or the issue of a writ of attachment in Insolvency, any attachment under this Act against the property of the Insolvent shall be dissolved upon order of the Court or a Judge.

PROCEEDINGS ON THE BOND.

55. In cases of the forfeiture of the Bond given as aforesaid by the defendant, or any one on his behalf, or by a part-owner as aforesaid, the Court, or a Judge thereof, may order the Sheriff to assign the Bond to the plaintiff, who may bring an action thereon in his own name.

SUBSEQUENT ATTACHMENT.

56. Property may be attached in more than one suit, but the property shall be held as security to satisfy the judgments in such suits, to the extent to which the property has been held in the respective attachments, according to the priority of the attachments.

57. If property attached in any suit be reduced to money in any of the modes herein provided, such money in the Sheriff's hands may be treated as other personal property subject to attachment, and may be attached in any subsequent suit, and upon judgment recovered in such subsequent suit, and execution issued against the goods and chattels of the defendant within thirty days, the Sheriff shall, provided he retain sufficient thereof to satisfy the judgments that have been or may be recovered in prior attachments, to the extent to which the property has been held in attachment, treat such money, to the amount sufficient to satisfy the subsequent attachment, as if it had been realized upon such execution.

58. Where the Sheriff sells attached property on execution he shall hold the proceeds to liquidate the several judgments recovered, on which execution shall issue within thirty days thereafter, according to the priority of the attachment in the several suits and to the extent to which the several attachments bind the property.

59. When the same property is attached by or on behalf of two or more Sheriffs, the Sheriff who shall hold the proceeds of the same on sale as herein provided, or who shall hold the same on execution, shall hold the same subject to any attachment of which he shall have had notice, although made by another Sheriff.

REDUCTION OF EXCESSIVE ATTACHMENT.

60. If an excessive attachment of property is made, the defendant may apply to a Judge of the Court out of which the attachment issues, for a reduction of the amount of the attachment, and the Judge may upon summons summarily hear the parties or their attorneys, and if upon such hearing it is found that the attachment is excessive, the Judge may order it to be reduced, or a part of the property to be released or partially released, according to such order, and the Judge may award costs to either party.

SETTING ASIDE ATTACHMENT.

61. A plaintiff may at any time apply to a Judge of the Court out of which the attachment issued to be allowed to discontinue the attachment, and upon summons and hearing the parties or their attorneys, the Judge may, upon such terms as to costs as he shall see fit, order the attachment to be discontinued and the property to be relieved from the

attachment, and if in the opinion of the Judge there has been probable cause for the issuing of the attachment, and no malice, he may order that no proceedings be taken against the plaintiff in respect of such attachment or upon the bond given by the plaintiff, and such order shall be a bar to any action against the plaintiff or his sureties.

62. A defendant may at any time before appearance apply to a Judge of the Court out of which the attachment issued, to have the attachment set aside for irregularity; and upon summons and hearing the parties, or their attorneys, the Judge may order the writ of attachment, or the proceedings thereon, to be set aside and the property to be relieved from the attachment, and any bond given by defendant to be given up; and if in the opinion of the Judge there has been probable cause for the issuing of the attachment, and no malice, he may order that no proceedings be taken against the plaintiff in respect of such attachment, or upon the bond given by the plaintiff, and such order shall be a bar to any action against the plaintiff or his sureties, and the Judge may award costs to either party.

ATTACHMENT DURING SUIT.

63. At any time during the progress of a suit upon contract, the plaintiff may, upon order of a Judge as aforesaid, issue a writ of attachment in the Form (D) in the Schedule hereto, a copy of which attachment, with a copy of the affidavit on which the same is founded, shall be served on the defendant.

64. The proceedings relating to the obtaining of and under such last mentioned attachment, shall (with the exception of the provisions relating to the writ in the cause) be the same as where the attachment is issued with the writ in the cause.

65. The writ of attachment so issued shall be returned by the Sheriff, with his doings thereunder, and shall be filed with the Clerk, and shall have the like effect as if such attachment had issued concurrently with the writ in the cause, save that the attachment shall only operate upon property attached thereunder from the time such property is actually attached.

PART II.—ABOLITION OF IMPRISONMENT FOR DEBT.

66. With the exceptions hereinafter mentioned, no person shall after the commencement of this Act be arrested or imprisoned for making default in the payment of a sum of money, or in any civil suit.

67. There shall be excepted from the operation hereof—

- (1) Default in payment of a penalty or sum in the nature of a penalty, other than a penalty in respect of a contract;
- (2) Default in payment of any sum recoverable on summary conviction;
- (3) Default in payment of County, City, Town, Parish or District rates or taxes;
- (4) Default by an attorney or solicitor in payment of a sum of money when ordered to pay the same in his character of an officer of the Court making the order;
- (5) Default by a trustee or person acting in a fiduciary character and ordered to pay by the Court of Equity any sum in his possession or under his control;
- (6) Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made:

Provided first, that no person shall be imprisoned in any case excepted from the operation of the preceding Section for a longer period than one year; and secondly, that nothing in