

by the garnishee to the judgment debtor, and no sufficient cause appearing why it should not be paid and applied in satisfaction of the judgment, the County Court Judge or Clerk of the Peace may give judgment against the garnishee (which may be in the form (B) in the Schedule hereto), for the amount so owing from him, or sufficient thereof to satisfy the judgment, and execution without any previous writ or process may issue against the garnishee to levy the same if due, or when and as it becomes due, or at such later period as the Judge or Clerk of the Peace may order, which execution may be according to form (C) in the Schedule hereto, and such execution may, in the case of the order being made by the Clerk of the Peace, issue out of the County Court on the filing of such order.

9. If the garnishee disputes his liability, the County Court Judge or Clerk of the Peace, instead of giving judgment and making an order that execution shall issue, may order that the judgment creditor may proceed against the garnishee by Summons, calling upon him to shew cause why there should not be an execution against him for the alleged debt or sum of money due or claimed to be due or owing from him to the judgment debtor, and for costs of suit.

10. The Summons last mentioned shall issue out of any Court within whose jurisdiction the garnishee resides or carries on business, and within whose jurisdiction the amount sought to be garnished is cognizable, and a copy of such Summons shall be duly served on such garnishee, or if joint garnishees, then on such of them as are within reach of the process, at the time and in the manner required for the service of mesne process out of such Court in ordinary.

11. In all cases under this Act, the judgment debtor, the garnishee, and all other parties in any way interested in or to be affected by the proceeding, shall be entitled to set up any defence as between the judgment creditor and the judgment debtor, which the latter would be entitled to set up in an ordinary suit, and also any such defence as between the garnishee and the judgment debtor, and may also shew any other just cause why the debt sought to be garnished should not be paid over or applied in or towards the satisfaction of the claim of the judgment creditor.

12. If judgment be given for the judgment creditor against the garnishee, the debt or sum of money garnished shall, unless the Judge otherwise order, continue bound in the hands of the garnishee to satisfy the claim of the judgment creditor, and payment in such case by the garnishee of such debt to the extent of the claim, either into Court or to the judgment creditor on the order of the Judge, shall to that extent be a discharge to the garnishee as between him and the judgment debtor; and any judgment thereof, otherwise than last aforesaid, except by leave of the Judge or by agreement of the parties, shall be void, and the garnishee in such case shall be liable to pay the same again to satisfy the claim of the judgment creditor.

13. The garnishee shall not be liable for the costs of the proceeding, unless and in so far only as occasioned by setting up a defence which he knew or ought to have known was untenable, which shall be determined by the Judge, and he shall have his reasonable costs out of the sum in his hands, where he sets up no defence, and subject to this provision the costs of all the parties shall be in the discretion of the Judge, who may make an order that execution issue for the same.

14. Judgment shall not be given against the garnishee until the said Summons mentioned in the eighth Section of this Act, with the affidavit of due service on the proper parties, be filed, unless the Judge for special reasons shall order otherwise.

15. No execution shall in any case issue to levy the money owing from any garnishee, until and so far only as such money shall have become fully due, and execution may from time to time issue as such money becomes due.

16. Any party entitled to or interested in any money or debt attached or bound in the hands of the garnishee by a proceeding under this Act, may at any time before actual payment thereof by the garnishee, apply to the Judge of a County Court for an order, after Summons and hearing, (which order the Judge is hereby authorized to make), to the effect that such money or debt be discharged from the claim of the judgment creditor, and thenceforth after such order such money or debt shall cease to be attached or bound for such claim; and such an application and such an order may also be made if the Judge shall think fit after such money or debt has been paid over by the garnishee, in which case all parties shall be remitted to their original rights in respect thereto, except as against the garnishee having already paid such debt or money over to the judgment creditor, whose payment shall not be affected thereby, but shall be and remain an effectual discharge to him.

17. If the Judge on the hearing of any Summons under this Act, or on special application for the purpose shall think proper, he may before giving judgment against the garnishee, or at any time before actual payment by the garnishee, order such security by Bond to be given to the Sheriff as shall be approved by himself, by or on behalf of the judgment creditor, for the repayment into Court, to abide the Judge's order in case a Judge's order shall be made for such repayment, which Bond shall be to the Sheriff by his name of office, and shall enure for the benefit of all parties interested in or entitled to the money, and may by order of the Judge and on such terms as to indemnity against costs and otherwise as he shall impose, be assigned to the party or parties interested, and may be sued in the name of the Assignee.

18. In case any one other than the judgment creditor or judgment debtor shall claim to be entitled to the debt or sum of money owing from the garnishee, by assignment thereof or otherwise, it shall be lawful for the Judge when adjudicating in any of the cases aforesaid, or by calling the proper parties before him by Summons for the purpose, to enquire by affidavits or oral testimony into and decide upon such claim, and to allow or give effect to it, or to hold it void as against the judgment creditor for being a fraud upon creditors or otherwise as the justice of the case may require, and for such purpose he may require the attendance of such parties and such witnesses (their fees for attendance being first paid) as he shall think necessary.

19. The Judge may postpone or adjourn from time to time the hearing and other proceedings in all garnishee cases, to allow time for giving omitted notices of defence, or to produce further evidence, or for any other purpose, and to require service on and notice to other or additional parties, and to amend all summonses, memoranda, claims, accounts, notices, and other papers and proceedings and copies thereof as justice shall require.

20. Payment made by or execution levied upon the gar-