

(5) In case a garnishee under an order of the Court, pays to the attaching creditor, or in case a garnishee without notice that the Sheriff is entitled, pays the amount of his debt into Court, and the same is paid out to the said creditor, the Sheriff may recover from him the amount so received.

36. If any party to any contestation, matter or thing upon which a Judge has made or rendered any final order or judgment, is dissatisfied with such order or judgment, and the same is in respect to a question involving a sum greater than \$100, he may appeal therefrom to the Supreme Court, subject to the like practice, as near as may be, as may from time to time be in force in respect of appeals from the County Court.

37. A Judge for the purpose of giving effect to this Act and carrying out its provisions, shall have all the powers which a County Court, or a Judge thereof, has, by law, for other purposes; and any proceedings wrongly taken under this Act may be set aside by the Judge, with or without costs, as he may think fit.

38. No proceeding under this Act shall be void for any defect of form; and the rules for amending or otherwise curing irregularities or defects which may from time to time, be in force in the County Courts shall apply to this Act.

39. Besides the fees otherwise authorized to be paid to the Clerk of the County Court for his own use, the following fees shall be levied on the following proceeds under this Act, upon all claims filed, where the amount of the claim exceeds \$200, and the same shall be payable to the Crown in stamps, to be obtained from the Clerk of the Supreme Court or the vendors of law stamps:—

On an affidavit of claim, where the amount claimed exceeds \$200, but does not exceed \$400	\$ 75
On every such affidavit where the claim exceeds \$400	1 50
On every certificate of Clerk given under section 9, where the claim exceeds \$200, but does not exceed \$400	75
On every such certificate where the claim exceeds \$400	1 50
On every order made by the Judge allowing or disallowing a claim, where the claim exceeds \$200, but does not exceed \$400	50
On every such order where the claim exceeds \$400 ...	1 00

Where the claim is contested, on the proceedings after the order, the same fees as are now payable on like proceedings in the Supreme Court.

40. This Act is not intended to interfere with any Insolvency laws which may from time to time be in force in this province, but this Act is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not.

41. This Act shall not apply to any judgment obtained before the passing hereof.

42. This Act shall go into force on the first day of August A. D. 1902.

SCHEDULE.

FORM A.—(Section 4, sub-section 2.)

SHERIFF'S NOTICE.

Notice is hereby given that I have, by virtue of certain executions delivered to me against the goods and chattels (or lands) of C. D., levied and made out of the property of the said C. D., the sum of \$

And notice is further given that this notice is first posted in my office on the first day of May, 19 , and that distribution of the said money will be made amongst the creditors of the said C. D. entitled to share therein, at the expiration of one month from the said first day of May.

Dated 1st May, 19 .

F. G. Sheriff.

FORM B.—(Section 7, sub-section 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the County Court (state the County in which it is intended proceedings shall be taken).

A. B., Claimant, vs. C. D., Debtor.

I, A. B., of , in the County of , merchant (or as the case may be), make oath and say:—

1. I am the above named claimant (or the duly authorized agent of the claimant in this behalf) and have a personal knowledge of the matters hereinafter deposed to.

2. The above named debtor is justly and truly indebted to me (or to the above named claimant) in the sum of \$ for (here state shortly the nature and particulars of the claim).

Sworn to before me at
this day of
A. D. 19 .

FORM C.—(Section 7, sub-section 2.)

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT.

In the County Court,

A. B., Claimant, vs. C. D., Debtor.

To the above (or within) named debtor.

Take notice that the claimant intends to file with the Clerk of the County Court, the original affidavit of claim of

which a duplicate is served herewith, and that this proceeding is taken by reason of their being in the hands of the Sheriff of the said County a writ of execution against your goods and chattels and lands and tenements, and that the claimant intends to call on the Sheriff to levy the amount of the said debt from your property under the authority of "The Creditors' Relief Act."

And further, take notice that in case you desire to contest the said claim, or any part thereof, you must within ten days after the service of this notice upon you, file with the clerk of the said Court an affidavit stating that you have a good defence to said claim on the merits, or that you have such defence to a specified part of the claim, otherwise such claim will be treated as admitted by you, or may be so treated as to the part not contested.

NOTE.—In case the above notice is endorsed upon the copy of the affidavit served, the heading of the notice may be omitted. Where further time is given by a Judge the notice should be varied accordingly.

FORM D.—(Section 8, sub-section 4.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the County Court.

A. B., Claimant, vs. C. D., Debtor.

I, G. H., of , in the County of , make oath and say:

1. That I did, on the day of , personally serve C. D., the above named debtor, with an original affidavit identical with the annexed affidavit, and that there was, at the time the said affidavit was so served, attached to (or endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor, now attach to (or endorsed upon) the said annexed affidavit.

Sworn before me at
this day of
A. D. 19 .

FORM E.—(Section 9, sub-section 1 and section 15.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the County Court,

A. B., Claimant, vs. C. D., Debtor.

I, Clerk of the County Court, do hereby certify that the above named claimant did, on the day of , file with me a claim against the above named debtor for the sum of together with an affidavit of personal service thereof, (or as the case may be) and of the notice required by "The Creditors' Relief Act," upon the said debtor, and that it thereby appears that such service was made upon the said debtor on the day of

And I further certify that the debtor has not contested the said claim (or has only contested the sum of , portion of the said claim, or as the case may be,) and that the claimant is entitled to the sum of , against the said debtor , and the further sum of , for costs.

FORM F.

(Section 28.)

SHERIFF'S STATEMENT OF EXECUTIONS ON HAND AGAINST C. D.

CAUSE.	Proceeding.	Claim Without Costs.	Costs.	Date of Receipt by Sheriff.	Amount Levied.	Date of Levy
A. B. v. C. D.	Fi fa goods	\$504	\$30	June 2, 1902.	\$500	June 15, 1902.
F. G. v. C. D. & E. G.	Fi fa lands	400	20	June 15, 1902	300	June 18, 1902.
K. L. v. C. D.	Garnishee order.....	500	30	300	Nothing made against E. G. June 25, 1902.
M. N. v. C. D.	Creditor's certificate..	400	5	July 10, 1902.

FORM G.

(Section 30, sub-section 5.)

CONTESTATION OF SCHEME OF DISTRIBUTION.

THE CREDITORS' RELIEF ACT.

In the County Court,

A. B., Claimant, vs. C. D., Debtor.

To F. G. and M. N., claimants of money levied by the Sheriff of the County of out of the estate of C. D.

Take notice that I will, on the day of next, apply to the Judge of the County Court at his Chambers at , in the County of , for an order adjudicating upon the right of you, the said , to rank upon the said moneys for any amount whatever (or as the case may be); and further take notice that I will, upon the said application, read the affidavits of E. F. and X. Y., filed with the Clerk of the said Court.