

the goods are
replevied.

Execution cre-
ditor not to be
satisfied until
the landlord is
paid.

goods taken under the said warrant of execution shall be sold, as
as will satisfy the money and costs for which the said warrant
issued and the costs of the sale, and the surplus of such sale, and of
the goods so distrained, if any, shall be returned as in other cases of dis-
tress for rent and replevin thereof; but no execution creditor 5
under the said recited Act passed in the 13th and 14th years of Her
Majesty's Reign or this Act, shall be satisfied his debt, out of the pro-
ceeds of such execution and distress or execution only, where the
tenant shall replevy, until the landlord who shall conform to the
provisions of this Act shall have been paid the rent in arrear for the 10
periods hereinbefore mentioned.

Sec. 102. of 13
and 14 Vic. c.
53 amended.
Proceedings in
case any claim
to goods or
chattels
seized or to
the proceeds
thereof, be
made by any
landlord or
other third
party.

VII. And in amendment of the 102nd Section of the said recited
Act, passed in the 13th and 14th years of Her Majesty's Reign, be it
enacted, That if any claim shall be made to or in respect of any goods
or chattels, property or security taken in execution or attached un- 15
der process of any Division Court, or in respect of the proceeds or
value thereof, by any landlord for rent, or by any person not being
the party against whom such proceeding has issued, it shall be law-
ful for the Clerk of the Court, upon application of the officer charged
with the execution of such process, as well before as after any action 20
brought against such officer, to issue a summons calling before the
Court out of which such process shall have issued, or before the
Court holden for the Division in which the seizure under such pro-
cess shall have been made, as well the party issuing such process as
the party making such claim; and thereupon any action which shall 25
have been brought in any of Her Majesty's Superior Courts of
Record at Toronto, or in any Local or Inferior Court, in respect of
such claim, shall be stayed, and the Court in which such action shall
have been brought or any Judge thereof, on proof of the issue of
such summons, and that the goods and chattels, property or secu- 30
rity were so taken in execution or upon attachment, may order the
party bringing such action to pay the costs of all proceedings had
upon such action after the issue of such summons out of the Court,
and the Judge of the Court shall adjudicate upon such claim, and
make such order between the parties in respect thereof, and of the 35
costs of the proceedings, as to him shall seem fit; and such order
shall be enforced in like manner as any order made in any suit
brought in such Court, and such order shall be final and conclusive
between the parties.

In what Divi-
sion Court any
suit may be
entered and
tried.

VIII. And be it enacted, (notwithstanding anything contained in 40
the said recited Act passed in the 13th and 14th years of Her Majes-
ty's Reign,) That all suits cognizable in a Division Court may be en-
tered and tried in the Court holden for the Division in which the cause
of action arose, or in the Court holden for the Division in which the
defendant, or where there shall be more than one defendant wherein 45
one of the defendants, shall dwell or carry on his business at the
time of the action brought, or, by leave of the Judge, according to