

the residence of the defendant, but if the claim be over \$100 and payable by the contract of the parties at a particular place action may be brought in the court holden for the Division in which the place of payment is situated, and the defendant cannot then have it removed to his place of residence or to any other Court without giving notice of his intention to object to the jurisdiction, and shewing a bona fide defence to the action, within eight days. It should be noted that in case an assignee disputes a creditor's claim to be entitled to recover on an estate, the action for a declaration of the right to rank must be brought in the High Court, as it is an action for equitable relief. See *Whidden V. Jackson*, 18 A.R., 439.

In very few cases where the claim is a mere money demand is it found necessary to go down to trial, provided the writ of summons issued be properly endorsed, as the practice gives great facility for obtaining speedy judgment in case of dispute on serving notice of a motion for that purpose and proving the claim by affidavits; and in case the defendant files an affidavit contradicting that of the plaintiff, the motion may be enlarged for the purpose of cross-examining him upon his affidavit, and the plaintiff may then subsequently move for judgment upon the admissions obtained on such cross-examination.

When judgment is obtained, it may be enforced by issuing execution against the goods and lands of the judgment debtor, and, if thought advisable, the creditor may examine the judgment debtor upon oath as to the means which he had at the time of contracting the debt, as to his subsequent disposition of them, and as to what means he now has to enable him to pay the same. Since the recent Statute relating to executions, by which it is provided that they shall remain in force for three years without the expense of renewing them, it is often satisfactory, in view of the small expense of obtaining judgment, to take judgment for the purpose of issuing the execution, and keep it in the Sheriff's hands, so that in case it is at any subsequent time discovered that the defendant is possessed of property which might not have been known to the judgment creditor at the time he obtained his judgment, it may be seized without delay. It often happens that within a few years after a judgment has been obtained the judgment debtor will be found to have gone into business, thinking that his creditors have abandoned all intention of proceeding further against him, and the creditor who then has an execution can make his debt.