

W. M. Boulton, for claimant, contended that, as the contest between the judgment creditor and the claimant involved the determination of the validity of the assignment of these moneys as against the judgment creditor, the proceeding was in the nature of an action for equitable relief, and the amount involved being over \$200, the County Court had no jurisdiction to try the issue, the jurisdiction of the County Court in actions for equitable relief being limited to \$200.

W. J. Tremear, for judgment creditor.

TEETZEL, J.—Rule 912 provides that “the garnishee shall be deemed indebted, although the debt sought to be attached has been assigned, charged, or incumbered by the judgment debtor, if the assignment, charge, or incumbrance is fraudulent as against creditors, or is otherwise impeachable by them.”

In the affidavit of the judgment creditor’s solicitor filed on the motion for attachment, he states his belief that the assignment to the claimant is void as a fraud on creditors, also that no consideration was given for same.

The existence of a formal assignment is not disputed; and it is admitted that the amount of the garnishee’s indebtedness which would be recoverable under the attachment but for the assignment, exceeds \$200.

The issue was directed under Rule 920, under which the Judge may, after hearing the parties, order payment of the amount due from the garnishee, or may order an issue or question to be tried, and may bar the claim of the third party, or make such other order with respect thereto as may seem just.

In this case the learned Judge exercised his discretion by directing an issue to be tried. This Rule is in aid of the preceding Rules providing for method of attachment of debts by a judgment creditor. No provision is made for directing the trial of an issue in the High Court in the case of a County Court attachment; and, in the absence of authority to the contrary, I think the meaning of the Rule is that the method thereby provided for determining the question whether a certain debt is attachable, notwithstanding that a claim is made to it by a third party, must be adopted in the County Court in all cases where the attachment is under a County Court judgment, notwithstanding that the amount which may be recovered by such attachment exceeds \$200.

The judgment creditor is pursuing her legal rights under a judgment in the County Court, which happens to be for