

or the plaintiff in replevin in any cause in either of the Superior Courts in which, if Judgment were obtained, he would be entitled to relief against such Judgment on equitable grounds, to plead the facts which entitle him to such relief by way of defence, and the said Courts are hereby empowered to receive such defence by way of plea, provided that such plea shall begin with the words "For defence on Equitable grounds," or words to the like effect. 5

And as to reference to arbitration ordered at the trial; Be it enacted as follows: 10

Judge at *N. P.* XII. The Judge at *Nisi Prius* directing any reference under the one hundred and fifty-sixth section of the Common Law Procedure Act, 1856, may direct such reference, if he shall see fit to do so, in like manner as he has power to do under the eighty-fourth and eighty-fifth sections of the said Act, and every arbitrator so appointed at *Nisi Prius* shall be subject to the provisions of the said sections, and shall have the powers expressed in the eighty-sixth section and be subject to the same regulations as are mentioned and provided in regard to arbitrators in and by the eighty-seventh section of the said Act. 15 20

And as to proceedings against Garnishees; Be it enacted as follows:

What order shall be made when the amount is within the jurisdiction of a County or Division Court. XIII. When the amount claimed as due from any garnishee, shall be within the Jurisdiction of any County or division Court, the order to be made under the one hundred and ninety-fourth section of the Common Law Procedure Act, 1856, shall be for the garnishee to appear before the Judge of the County Court within whose Jurisdiction the garnishee resides—at some day and place within his County to be appointed in writing by such Judge—and written notice thereof to be given to the garnishee at the time of the service of the order, and if the garnishee does not forthwith pay the amount due by him, or an amount equal to the Judgment debt, and does not dispute the debt due or claimed to be due from him to the Judgment debtor, or if he does not appear before the Judge named in the order at the day and place appointed by such Judge, then such Judge may on proof of service of the order and appointment having been made four days previous, make an order directing execution to issue out of the County Court or division Court according to the amount due, and which order shall be sufficient authority for the clerk of either of such Courts to issue execution without any previous writ or process, to levy the amount due from such garnishee towards satisfaction of the Judgment debt; but if the garnishee disputes his liability, such Judge may order that the Judgment creditor shall be at liberty to proceed against the garnishee according to the usual practice of the County or division Court as the case may require for the alleged debt or for the amount due to 25 30 35 40 45

Execution from County or Division Court, if the garnishee does not dispute the debt.

Proceedings if he disputes the debt.