

the garnishee. McKee (a creditor having an equitable assignment of the debt from the primary debtor) intervened and contested the right to take these proceedings, on the ground that Newman neither resided nor carried on business within the jurisdiction of the 7th Division Court, and that, therefore, the proceedings taken could not be sustained.

By sec. 190 of the Division Courts Act there is jurisdiction in garnishee proceedings in the Division Court of the division in which the garnishee "lives or carries on business."

The appeal was heard by FALCONBRIDGE, C.J., STREET, J., BRITTON, J.

C. A. Moss, for primary creditors.

W. H. Blake, K.C., for McKee.

BRITTON, J.—If the objection in this case was taken by the garnishee himself that he did not carry on business within the limits of the 7th Division Court in the county of Essex, within the meaning of sec. 190 of the Division Courts Act, I would, upon the evidence, sustain that objection. The question of carrying on business or transacting business in any particular place is one of fact, and one of degree. A business may be carried on by a person in one place, which is but a small part of a business carried on by the same person in another place, or a small business may be carried on in one place by a professional man having a large practice in another place.

Here the garnishee by his attorney admits that he does carry on business in the county of Essex, and he voluntarily submits to the jurisdiction of this Court. I see no reason why he has not the right to do this. He admits that he is indebted to the primary debtor, in reference to work done by the primary debtor in that county, in a certain sum, and he is willing to abide by the decision of the Judge of the Court in which the action is brought as to the person to whom that money shall be paid.

I am unable to come to the conclusion that McKee, a creditor of the primary debtor, who intervenes, has shewn "any just cause why the debt sought to be garnished should not be paid over or applied in or towards the satisfaction of the claim of the primary creditor."

The facts are not in dispute. . . . The garnishee raised no objection to the jurisdiction of the Court, but regularly appeared by his attorney, and admitted an indebtedness of \$667.09.