

tion: *Re McLeod v. Emigh* (1888), 12 P.R. 450; *Re Reid v. Graham* (1894), 26 O.R. 126.

Section 79 (2) contemplates that the transferring order shall be made before trial; and no authority is to be found in the Act for transferring the action to another Court after the entry of judgment.

A judgment summons can issue only from the Court in which the judgment debtor resides or carries on business. If the debtor does not reside within the territory of the Court in which judgment has been recovered, a transcript must issue under the provisions of sec. 188. After such transcript has issued, the judgment still remains a judgment of the original Court. This is plain by reference to sub-sec. 2. The plaintiffs should have proceeded under this section, and not under sec. 79.

The order of the 8th September was a nullity; the proceedings were never properly in the Grey Court; and the Judge in that Court had no jurisdiction to make any order, even by consent.