

in Chambers, on any convenient day to be fixed by the Clerk. An order changing the venue shall be in the Form No. 65, and shall be entered in the minute-book, and endorsed on the plaint-note.

*35. Attachment of Debts; Examination of Defendant at Hearing.*

Where a plaintiff is desirous that the defendant, if judgment is given against him, shall be orally examined forthwith after the judgment has been given as to what debts are due, owing, or accruing to him, the plaintiff shall, before the action is called on, lodge with the Clerk a notice in the Form No. 66; and the Court, after judgment is given, may order the immediate examination of the defendant, and he may then be examined as to any debts due, owing, or accruing to him; and if any such sub-debtor is present in Court he may be required forthwith, if he admits the debt, to show cause why he should not be ordered to pay into Court, for the benefit of the judgment creditor, such debt, or so much thereof as will satisfy the judgment, and such order shall be entered in the minute-book, and may be enforced in manner provided by the Act.

*36. Examination of Judgment Debtor and Sub-debtor.*

A plaintiff who has not lodged the notice provided for in Rule 35, and who has obtained a judgment, or a defendant who has obtained a judgment against a plaintiff, may at any time thereafter apply, *ex parte*, to the Magistrate of the Court where the judgment was given, in Chambers, for an order or orders for the examination of the judgment debtor and of the sub-debtor. Such orders may be in the Forms Nos. 67 and 69, or to the like effect; and service of an attachment order (No. 69) shall be sufficient summons to the sub-debtor to attend the examination, provided that no sub-debtor shall be required to attend for examination at any Court or place more than twenty miles from the place where he resides or carries on business. A sub-debtor attending for examination shall be entitled to his expenses, according to the prescribed scale for witnesses.

*37. Plaint against Sub-debtor.*

The sub-debtor may give notice of payment into Court, or that he disputes the debt, in the Form No. 71.

Where an order is made that the judgment creditor may sue the sub-debtor, the judgment creditor shall commence the action in accordance with sections 65 and 66 of the Act, provided that the words "cause of action," in subsection (1) of section 66, shall mean the cause of action as between the judgment debtor and the sub-debtor. If the sub-debtor neither pays in, disputes the debt, or appears, the order may be made absolute (Form No. 70). Execution against a sub-debtor shall be in the Form No. 95.

*38. Writ of Arrest.*

A writ of arrest shall be in the Form No. 84, and shall be addressed to the Bailiff of the Court, or to some police constable to be named in the writ. Such Bailiff or police constable shall, on executing the same, deliver to the defendant a notice signed by the Magistrate or Justices issuing the writ in the Form No. 85. If the defendant gives bail for his attendance at the hearing, it may be by bond in the Form No. 86.

Where a writ of arrest is applied for and the defendant resides at a distance from the Court of issue, the applicant shall deposit such a sum as the Magistrate or Justices may think reasonable to cover the costs and expenses of arrest; such costs and expenses shall be costs in the action.

In default of bail being given by the defendant for his appearance at the Magistrate's Court House to answer the demand of the plaintiff, the Court may commit the defendant to prison until the hearing of the action. Such warrant of remand may be in the Form No. 131.

The consent for summary hearing may be in the Form No. 87.

*39. Arbitration.*

The Magistrate may at any time after the plaint is entered, with the consent of parties, in the Form No. 72, make an order of reference in the Form No. 73; and on entering up judgment thereunder the same fees shall be paid as would have been paid if judgment were entered by confession; but where any reference is ordered to the Clerk or other officer of the Court the same hearing fee shall be paid as if the action had been tried.

The costs of the arbitration shall be entered up in the judgment as the Court may direct.

*40. Recovery of Tenements.*

Where a plaint is entered for the recovery of possession of a tenement, either with or without a claim for rent, mesne profits, or damages, the plaint-note shall be in the Form 7A. The summons mentioned in sections 169 and 172 of the Act shall be in the Form No. 100, and that under section 170 of the Act in the Form No. 101.