

A plaintiff who has not lodged the notice above mentioned and who has obtained a judgment, or a defendant who has obtained a judgment against a plaintiff, may at any time thereafter apply to the Court where the judgment was given for an order for the examination of the judgment debtor. Such order may be in the Form No. 67.

#### 38. Attachment of Debts.

The attachment order under section 141 of the Act shall be in the Form No. 69. The affidavit to support such attachment order may be in the Form No. 68.

The sub-debtor may give notice of payment into Court, or that he disputes the debt, in the Form No. 71. A sub-debtor attending pursuant to section 143 of the Act shall be entitled to his expenses, according to the prescribed scale for witnesses.

The order absolute pursuant to section 145 of the Act shall be in the Form No. 70. The warrant of execution against the goods of a sub-debtor shall be in the Form No. 95.

#### 39. Complaint against Sub-debtor.

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 68 and 69 of the Act, provided that the words "cause of action" in subsection (1) of section 69, shall mean the cause of action as between the judgment debtor and the sub-debtor.

#### 40. 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. The warrant of remand may be in the Form No. 131, and the consent for summary hearing in the Form No. 87.

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.

#### 41. Arbitration.

The Court 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.

#### 42. 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 No. 8. The summons mentioned in sections 180 and 183 of the Act shall be in the Form No. 100, and that under section 181 of the Act in the Form No. 101.

#### 43. Deserted Premises.

The request to be made by the landlord of deserted premises under section 182 of the Act may be made in Form No. 103. The action shall be entered in the plaint-book, and the written request filed in lieu of the ordinary plaint-note. The warrant to view shall be in the Form No. 104, the notice to be affixed to the premises in the Form No. 105, and the final warrant for possession in the Form No. 106.

#### 44. Warrants of Possession, and Confession in Tenement Cases.

The warrant for giving possession of a tenement shall be such one of the forms Nos. 102 or 106 as may be applicable in each case.

The defendant in a tenement action may sign a confession in the Form No. 27, and thereupon (*mutatis mutandis*) the same proceedings shall follow as on a confession of claim in an ordinary action. The bond, pursuant to section 189 of the Act, may be in the Form No. 107.

#### 45. Appeal on Matter of Fact.

The appellant shall within fourteen days, or such further time as may be agreed on by the parties or fixed by the Magistrate, after the latest day on which he could have properly given notice of appeal, deliver to the Clerk the case on appeal engrossed in triplicate.

The case shall consist of copies of the statement of claim, the Magistrate's notes of evidence, his decision, and the notice of appeal. The Clerk shall procure one copy to be signed by the Magistrate, and sealed with the seal of the Court. Each of the other copies shall be made by the Clerk into a true copy of the original signed by the Magistrate, and he shall file one copy and forward the other to the respondent.

The Clerk shall transmit or deliver the case on appeal to the Registrar of the Supreme Court at the place where the appeal is to be heard, and such Registrar shall, within seven days after receipt thereof, enter the same for hearing at the next practicable sitting of the Supreme Court.