

come discouraged from issuing free passes, neither the stockholders nor the public need grieve greatly. If the long list of persons who have been carried nominally free on our great railway lines were scrutinized closely, it would be found that officials of various lines who sought luxurious perquisites out of their position, or journalists, lobbyists, and public men whose favour was courted by the carrier for selfish and sinister ends, made up the great majority. Few passes are issued from strictly benevolent motives and without some element of expected recompense. Our whole free pass system is too often corrupt or insidiously corrupting. Personal privileges are always odious in a free republic; and if one citizen must pay his fares on the public highway, so ought another to do the same."

COMMENTS ON CURRENT ENGLISH DECISIONS.

(Law Reports for May—Continued.)

PRACTICE—GARNISHEE ORDER—AFFIDAVIT IN SUPPORT OF APPLICATION—ORDER XLV., R. 1 (ONT. RULE 935).

Vinall v. De Pass (1892), A.C. 90, is a case which was known in its previous stages as *De Pass v. The Capital & Industries Corporation*, under which name it is reported (1891), 1 Q.B. 216 (see *ante* vol. 27, p. 103), which, although involving a mere point of practice, seems to have been thought of sufficient importance to be carried to the House of Lords. Their Lordships (Lords Halsbury, L.C., Watson, Macnaghten, Field, and Hannen) unanimously agreed with the Court of Appeal in holding that the defendant in an affidavit in support of an application for a garnishee order need not swear positively to the existence of a debt due from the garnishee to the judgment debtor, but that it is sufficient if he states that he is informed and believes that there is a debt due; and also that it is no answer to such an affidavit for the garnishee to deny that he owes the particular debt referred to by the applicant, but he must deny that he owes any debt to the judgment debtor; and as the garnishee in the present case did not deny that he owed any debt, but merely denied owing the particular debt referred to by the judgment creditor, they held that the order to pay over was rightly made. Lord Halsbury, L.C., points out that the strict rules of legal evidence are not applicable to mere interlocutory proceedings, and the courts are accustomed to act in such matters upon a less strict degree of proof than would be insisted on at a trial of an action. Moreover, the attaching order does not in terms merely attach the particular debt sworn to, but all debts due by the garnishee to the judgment debtor, and the garnishee can only free himself from liability by showing that he owes nothing.

PRACTICE—HOUSE OF LORDS—APPEAL IN FORMA PAUPERIS—PAUPER—COSTS OF SUCCESSFUL APPEAL IN FORMA PAUPERIS.

Johnson v. Lindsay (1892), A.C. 110, is a decision of the House of Lords as to the costs a person suing *in forma pauperis* is entitled to recover for a successful appeal to the House of Lords, and their Lordships ruled that the fees of the House must be disallowed, also the fees of counsel, and that the pauper's soli-