

DECEMBER 3RD, 1902.

## DIVISIONAL COURT.

## BAIN v. COPP.

*Insurance—Life—Policy on Life of One Person for Benefit of Another  
—Assignment—Death of Assured—Claim by Administrator.*

Appeal by plaintiff from judgment of MACMAHON, J., ante 707, in favour of defendants in an interpleader issue.

S. W. McKeown and J. W. McCullough, for plaintiff.

W. N. Tilley, for defendants.

THE COURT (BOYD, C., MEREDITH, J.) dismissed the appeal without costs.

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## DIVISIONAL COURT.

## MCDONALD v. SULLIVAN.

*Attachment of Debts—Rent—To Whom Due—Heirs of Deceased Land-  
lord—Executors—Devolution of Estates Act.*

Appeal by judgment creditor from order of STREET, J., ante 723, sub nom. Reilly v. McDonald, allowing appeal from order of Master in Chambers, ante 721, and discharging a garnishing summons, under the circumstances mentioned ante 721.

The appeal was heard by BOYD, C., and MEREDITH, J.

W. Proudfoot, K.C., for judgment creditor.

L. V. McBrady, K.C. for judgment debtors.

BOYD, C.— . . . What was decided in McAuley v. Rumball, 19 C. P. 286 (of which the head-note is so insufficient as to be misleading) was that a debt due to one in a representative character cannot be garnished to answer a debt owing by him in a private capacity, but a debt due to a dead judgment debtor may be attached as against his personal representative: Stevens v. Phillips, L. R. 10 Ch. 416; Nash v. Pearce, 47 L. J. Q. B. 766. Here the debt was due by several judgment debtors, and the rent garnished was payable to them as owners of the land under rent. The south half of the land was owned by G. W. Reilly, the father of the judgment debtors, and it had descended to them on his death intestate. The other half was owned by George Reilly, his son, who died pending the action, liable for the costs which form the debt