copy of the special resolution, and in the other case a certified copy of the resolution conferring the general authorization to appear and answer for the company in all seizures by garnishment that may be served upon it.

In the present case neither special resolution nor general authorization is produced or even mentioned; and the declaration is unauthorized and not binding upon the company. It is therefore irregular, insufficient and illegal, and must be rejected; but as the garnishee after a judgment by default would be allowed on payment of costs to appear and declare, the Court will now order the Company to appear and make a proper declaration on or before the 1st Sept., next.

The judgment was recorded as follows:—

"The Court, having heard the plaintiff upon her motion praying that the declaration of the garnishee in this cause made on the 17th of May last, and filed in this Court on the 18th of May last, be rejected and set aside, the said garnishee, although duly served, having made default to appear and answer the said motion;

"Seeing that the officers of the company garnisheed in this cause do not produce either a special resolution naming them its attornies to answer in its place, or a general authorization to answer attachments by garnishment served upon it;

"Doth declare the said declaration to be irregular, null and void, and doth reject the same, with costs in favor of the plaintiff. And the Court doth order the said company garnishee to answer and make a proper declaration on or before the 1st of September next."

C. P. Roney, for plaintiff.

SUPERIOR COURT.

AYLMER (dist. of Ottawa), June 30, 1887.

Before WÜRTELE, J.

FERGUSON v. KIRK, AND GILMOUR & Co., Garnishees.

Procedure—Seizure by garnishment in the hands of a firm—Declaration.

HELD:—*That in the case of a seizure by garnishment in the hands of persons associated in partnership, but not incorporated as a joint-stock company, the firm cannot be represented by an attorney, but one of the partners must appear and make the declaration under oath.*

PER CURIAM. In this case, a seizure by garnishment has been made in the hands of the commercial firm of Gilmour & Co., which carries on business and has an office in this district; and the writ has been served personally upon one of the partners.

On the day of the return, the garnishees made default, but one George L. Chitty, who called himself the agent and attorney of the firm, appeared and made a declaration under oath; and the cause is now inscribed for judgment on this declaration.

Under article 613 C. C. P., the writ of seizure by garnishment orders the garnishee to appear and declare under oath what he may have belonging to the debtor or what he may owe to him; and under article 617, the garnishee is bound to appear and make his declaration in the prothonotary's office, or if he resides in another district than the one in which the writ was issued, then before the prothonotary in the district where he resides. When, however, the seizure by garnishment is made in the hands of an incorporated company, the declaration is made and sworn to, according to the provisions of article 617, by its attorney, who may be either special or general.

When the garnishee is either a natural person or a firm composed of natural persons, the declaration must be made and sworn to by the individual garnishee, or by one of the members of the firm; when on the other hand, the garnishee is an artificial or ideal person, the declaration has to be made and sworn to by an attorney acting on its behalf, as corporations must necessarily be represented and act by an attorney or by one of its officers in such cases.

The declaration made in this cause by Mr. Chitty is therefore illegal and null, and cannot form the basis of a judgment against the garnishees. The inscription for judgment is consequently discharged, in order to allow the plaintiff to take such steps as may to him seem fit.

Inscription for judgment discharged.

W. R. Kenney, for plaintiff.