tiff, but in such a controversy as this, he must be judged by his surroundings, and claim no more for his earnings than he is entitled to expect from what he has given reason to believe he would demand. * * * * We do not think the jury had any right to consider, or any means of judging, the value of plaintiff's work by the expense, time or character of his studies, and there was no testimony indicating that he had reached exceptional distinction. The jury knew nothing of him beyond his local experience and standing. Whatever may be his claims to eminence, he was not apparently engaged, so far as outward appearances went, in the higher walks of art. The pictures he made or was to make for defendant were substantially copies from photographs, and not independent original portraits, involving the labor or imagination of an original artist. But while an artist's success and his capacity to make large earnings may be due to his thorough training, yet his work and its pecuniary value cannot be determined by any such standard. There was nothing in the testimony which would have enabled the jury or any one else to determine what toil, or time, or money it cost plaintiff to make him an artist, or how much they contributed to his earnings. Pictures are not valued for what it costs the artist to prepare himself. A man may go through a long course of preparation, and be a very poor artist notwithstanding. And a good artist may find it convenient to do cheap work; and if he does so, he cannot expect to be paid a higher price because he might have done better. This whole subject, even if there had been evidence on the matter, would be irrelevant, unless possibly on the probabilities of plaintiff's capacity to judge of pictures."

CIRCUIT COURT.

PORTAGE DU FORT, (Co. of Pontiac),

June 1, 1887.

Before WÜRTELE, J.

O'CONNOR v. MURTAGH, and THE E. B. EDDY MANUFACTURING CO.

Procedure—Seizure by garnishment in the hands of an incorporated Company—Declaration.

HELD:—*That in the case of a seizure by garnishment in the hands of an incorporated company, the declaration must be made either by an attorney specially authorized, or by an officer or employee of the company who holds a general authorization for that purpose.*

The action in this cause was brought on the 28th April, 1887, on an account for $197.47, and was accompanied by an attachment by garnishment in the hands of the E. B. Eddy Manufacturing Co., returnable on the 17th May.

On the return day S. S. Cushman and W. H. Rowley, the first styling himself the Vice-President and the other the Secretary-treasurer of the company, appeared before the Clerk of the Circuit Court at Hull, and declared that the company owed nothing to the defendant.

The plaintiff, after having given due notice to the garnishee on the 26th May, moved on the 1st June that the declaration so made should be rejected and set aside, among other reasons, because it did not appear that the garnishee had named an attorney to answer as required by law. It was alleged at the hearing of the motion that the plaintiff denied the truth of the declaration, but that as it was a nullity she asked for its rejection instead of contesting it.

PER CURIAM. When a seizure by garnishment is made in the hands of an incorporated company, as in the present case, article 617 C. C. P. requires that the declaration be made by an attorney named to answer on its behalf, and Art. 224 provides that he be named by a special resolution, and that such resolution specify the answer to be given and sworn to. By an amendment passed in 1886, 49-50 Vict. ch. 14, it is provided that the declaration may also be made by the president, manager, secretary, treasurer, or any other officer or employee of the incorporated company, if he holds a general authorization for that purpose, and that the declaration in such case shall be as binding as if it had been made under a special resolution.

In both these cases the person who comes to make the declaration must produce and file his mandate,—in the first case a certified