

North-West Territories.

SUPREME COURT.

Scott, J.]

RUMLEY v. SAXAUR.

[Sept. 29, 1904.]

Attachment of debts—Requirements of affidavit for order.

The Rule of Court as to the nature of the information to be given before a garnishing order could be granted, required that the applicant should "swear positively to the indebtedness of the judgment debtor." An order was granted on an affidavit which stated that the deponent had no personal knowledge of the indebtedness, but that his belief as to its existence was founded on letters and circumstances.

Held, that the order was improperly issued and must be set aside.

Wallbridge, for the application. *Newell*, contra.

Book Review.

The Law of Banking, by Heber Hart, LL.D. (Lond.), Barrister at Law. London: Stevens & Sons, Ltd., 119-120 Chancery Lane, Law Publishers, 1904.

The author in his preface says:—"I have endeavoured to present a comprehensive statement of the living law of banking arranged in a natural and convenient form." An examination of his book shows that he has been successful in his endeavour. He has given us an up-to-date and valuable treatise on an important subject.

It is manifest that the law of banking necessarily includes in a large measure the law as to bills and notes. Our Bills of Exchange Act, 1890, is based upon the Imperial Bills of Exchange Act of 1882, and these are codifications of the law affecting negotiable instruments. It will be seen, therefore, how useful a good English book on banking which deals also with the law as to bills and notes must be in this country.

Mr. Hart has done his work excellently well. He is concise and accurate in expression, and the work in its arrangement is both logical and lucid, and the ordinary sequence of events in the relations of "bankers with customers" has been adopted as the guiding principle of classification, with good results. The work, with its full index consists of over 1,000, pages, so that it