
Province of Manitoba.

COURT OF APPEAL.

Full Court.] ADAMS v. MONTGOMERY. [July 15.

County Courts Act, R.S.M. 1902, c. 38, ss. 60(d), 61—Jurisdiction of County Court—Injunction—Garnishment—Fraudulent conveyance.

The plaintiff, having entered suit in the County Court against the defendant for the amount of a promissory note, sought to attach certain money owing or accruing due from the garnishee to the defendant's wife on the sale of a parcel of land by her to the garnishee, alleging that this land was held by the wife as trustee for the debtor, and obtained from the County Court judge the common order garnishing moneys due to the primary debtor and also an order prohibiting the garnishee from paying over any money to the defendant's wife until it should be determined whether the money was an asset of the debtor or not.

Subsequently, judgment having been recovered by the plaintiff for the debt, he obtained an order for the trial of an issue to determine such question.

Held, that the County Court had no jurisdiction to make the order staying payment to the wife and that the order for the trial of the issue fell with it and that both orders should be set aside with costs.

Donohoe v. Hull, 24 S.C.R. 683, followed.

Monkman, for plaintiff. *Coyne*, for Mrs. Montgomery.

KING'S BENCH.

Macdonald, J.] HALSTED v. HIRSCHMANN. [July 15.

Promissory note—Garnishment.

The garnishees borrowed \$500 from the defendant and gave him an instrument in the following form. "Winnipeg, June 20th, 1907. Received from P. Hirschmann the sum of five hundred dollars advance to be repaid at expiration of 9 months.