

defendant is not to be taken as admitting the truth of any allegation in the statement of claim."

Held, that those portions of the statement of defence should be struck out, as they were neither set up by way of traverse of the plaintiffs' charges, nor by way of confession and avoidance, nor as denials that the plaintiffs' charges, even if true, shewed a good cause of action in law.

The first paragraph does not directly traverse the plaintiffs' charges and is too general. The other paragraphs are merely argumentative claims of right to do certain things which the defendants do not admit having done, and which, so far as the pleadings shew, may not be the acts charged against them. They are only an anticipatory outlining of an argument which may or may not be necessary to the defence at the trial according to the nature of the evidence adduced, but which is out of place in the written pleadings necessary to define the issues to be tried.

Held, also, that the paragraphs in question could not be supported, under sub-section (e) of section 38 of the King's Bench Act, as seeking a declaration as to the meaning of section 523 of the Criminal Code, for that sub-section could, in any event, go no further than to confer authority to interpret a Provincial statute.

O'Connor, for plaintiffs. *Wilson* and *Hartley*, for defendants.

Province of British Columbia.

SUPREME COURT.

Duff, J.]

[Sept. 25.]

BELYEA v. WILLIAMS: RICHARD'S GARNISHEE.

Attachment of debts—Judgment obtained in Supreme Court sought to be attached in the County Court—Jurisdiction.

On proceedings under the Attachment of Debts Act, in the County Court, to attach a debt due on a judgment obtained in the Supreme Court, an order absolute attaching the said debt was made. On an application for a writ of prohibition to the County Court judge prohibiting him from dealing with the said Supreme Court judgment,

Held, that where the claim sought to be attached is not one upon which the County Court would have jurisdiction to adjudicate in a suit brought to enforce it, the machinery of the Attachment of Debts Act cannot be applied.

W. J. Taylor, K.C., for the application. *Morphy*, contra.