

repaid without production of the said pass book is a good subject of *donatio causa*, The book was contemporaneous with the debt, was delivered to the creditor, was essential to the proof of the contract, and the production of it essential before the money could be redeemed. The delivery of such a pass book of money on deposit in anticipation of death operates as a transfer of the debt to take effect upon death.

*Parker*, for plaintiff. *A. L. Colville*, for defendants.

Falconbridge, C.J., Street, J.]

[Nov. 17.

MACDONALD v. SHEPPARD PUBLISHING CO.

*Discovery—Defamation—Justification—Immorality—Disclosure of name of paramour.*

The defendants having in their newspaper charged the plaintiff with immorality, the plaintiff sued them for libel, and the defendants pleaded that the charge was true. The plaintiff having required particulars, the defendants set forth that the plaintiff lived at a house of ill-fame; that he lived at a particular place in adultery; that a child was born to the woman with whom he lived; and that he brought to his house and kept with the members of his family a woman who had lived in a house of ill-fame. The plaintiff, being examined for discovery, admitted that he had lived in adultery with a woman who had previously lived in a house of ill-fame, and that she bore a child of which he was not the father, but denied the other allegations of the particulars.

*Held*, that the plaintiff was bound to disclose the name of the woman, although such disclosure might injure her.

*Bradford*, for plaintiff. *Riddell*, Q.C., for defendants.

Falconbridge, C.J., Street, J.]

[Nov. 17.

MILLAR v. THOMPSON.

*Attachment of debts—Fraud—Issue—Amount in controversy—County Court jurisdiction—Residence of garnishee—Rules 917, 918, 919—Order for receiver.*

Where it was charged by a judgment creditor that a fraudulent arrangement had been made between the judgment debtor and his employers, the garnishees, whereby a third person had been substituted for the debtor as the servant of the garnishees, and money paid to such third person, while the debtor continued to do the work,

*Held*—1. The judgment creditor was entitled to have an issue directed, to which the third person should be a party, to determine whether there was at the time of the service of the attaching order any debt due or accruing from the garnishees to the debtor, without bringing home a case of fraud to the persons against whom it was charged; it was sufficient to