

Cartwright, Master.] FALLIS v. WILSON. [March 11.

Attachments of debts—Police constable's pay—Service on treasurer—Payment to agent—Debt due—When—Payment in advance.

On a motion to make absolute an order attaching all debts due by a municipal corporation to the defendant, a police constable, which was issued on the 27th of February and served on the treasurer of the corporation at 3 o'clock in the afternoon of the same day, and it appeared the defendant's salary was \$900 a year payable monthly at the end of each month.

Held, that although the defendant was not a servant of the corporation the treasurer was the proper person to serve.

Held, also, that the cheque for the defendant's pay for the month of February, which according to custom had been delivered to a messenger to leave at the police station for the defendant, but on service of the order had been stopped by telephone and brought back to the treasurer had not come into the hands of the defendant's agent before service of the order: But

Held, also, that there was no debt due (nothing debitum in praesenti) as the month's salary was not due until the end of the month and that there is no law which forbids an employer to pay servants in advance and the order was discharged but without costs.

B. N. Davis, for judgment creditor. Phelan, for judgment debtor. Fraser, for garnishee.

Province of Manitoba.

KING'S BENCH.

Mathers J.] SLATER v. RYAN. [Jan. 15.

Trade name—Imitation—Defendant using his own name.

Motion for injunction.

The plaintiff company had for some years carried on the manufacture and sale by wholesale, of boots and shoes, styled "Slater Shoes" or "Slater" boots and shoes, and advertised