Province of Manitoba.

KING'S BENCH.

Dubuc, C.J.] ROBINSON *v.* GRAHAM. [Feb. 10.

Attachment of goods—County Courts Act, R.S.M. 1902, c. 38, ss. 200-206, 252, 253—Rateable distribution amongst execution creditors—Meaning of word "trader"—Is a baker a manufacturer?

This was a contest between the plaintiff who had judgment against the defendant in two suits commenced by writs of attachment issued out of a County Court, and one Sheave who had judgment against the same defendant in a suit commenced by a special writ of summons in the same Court, as to whether Sheave was entitled to his pro rata share of the proceeds of certain goods that had been seized and sold under said writs of attachment. The defendant was a baker and, incidental to his business as such bought and sold candies, cakes and confectionery, and the County Court judge held that he was a trader within the meaning of ss. 200-206 of "The County Courts Act," R.S.M., 1902, c. 38, and decided in favour of Sheave.

Held, on appeal, 1. Whether the defendant was a trader or not, ss. 200-206 of the Act do not apply when goods are sold under a writ of attachment, in which case ss. 252 and 253 govern, and Sheave could not share as he had not sued out any writ of attachment. Secs. 200-206 of the Act, although enacted subsequently to ss. 252 and 253, do not repeal or do away with the effect of the latter sections. A general later statute does not abrogate a special statute by mere implicaion and will not be interpreted as revoking or altering the special enactment when the terms of the latter may have their special application without being so interpreted: *Bailey* v. *Vancouver*, 24 S.C.R. 62.

2. The defendant was not necessarily a trader because of his dealing in candies, cakes and confectionery, if that was merely incidential to his business as a baker: *Thomas* v. *Hull*, 6 P.R. 172, followed.

Quære, whether a baker is a manufacturer and so comes within the definition of a trader given in s. 200.

Appeal allowed with costs.

Heap, for plaintiff. *O'Reilly*, for Sheave.