

plaintiff had leased two farms in her own name and had gone with her husband and family to live upon one of them, with the *bona fide* intention, as the learned Chief Justice found, of carrying on the farming business for her own benefit. The husband, however, looked after the farming operations, with the help of the children and a hired man, in much the same way as any farmer does, although there was evidence that his health was not so good and he could not do as much work as formerly. The learned Chief Justice entered a verdict for the plaintiff, and the defendants appealed.

The following amongst other cases were cited: *Lett v. The Commercial Bank*, 24 U.C.Q.B. 552; *Harrison v. Douglas*, 40 U.C.Q.B. 410; *Plows v. Maughan*, 42 U.C.Q.B. 129; *Irwin v. Maughan*, 26 U.C.C.P. 458; *Ingram v. Taylor*, 46 U.C.Q.B. 52; 7 A.R. 216; *Parenteau v. Harris*, 3 M.R. 329.

Held, following *Ady v. Harris*, 9 M.R. 127, and *Streiner v. Merchants Bank*, 5 W.L.T. 44, that although the wife was the tenant of the land, yet she had allowed her husband to occupy and raise crops on it, and that such crops, except the hay, must be treated as the property of the husband in an issue between execution creditors of the husband and his wife. The wife could not be said to have carried on the farming business separate and apart from the husband, nor could the crops produced upon the land by the labour and superintendence of the husband be said to be issues and profits of the land to which the wife would be entitled under section 5 of the Married Women's Act, any more than if she had sublet the land to a stranger.

As to the hay, however, the majority of the court (BAIN, J., dissenting)

Held, that it came under the description of issues and profits of the wife's separate estate, because it was the natural growth of the land of which she was tenant in good faith, and that the mere fact that the hay may have been cut by the husband in the course of the same farming operations, as to which there was no express evidence, would not be sufficient to transfer the property in the hay to him.

Appeal allowed, and verdict entered for defendants except as to the hay.

Howell, Q.C., for plaintiff.

Joseph Martin for defendant.

DUBUC, J.]

[April 9.

CONBOY v. DOLL.

Wrongful seizure of goods by execution creditor—Measure of damages—Costs in case of verdict for \$200 only.

This was an action of damages for wrongful seizure of the plaintiff's goods under an execution issued in a suit in which the defendant was plaintiff, and the plaintiff's husband was defendant. The defendant's attorney, in the presence of the defendant, instructed the sheriff to seize the goods in question, although the sheriff intimated to them his opinion that the goods belonged to the plaintiff. The sheriff, being urged to do so, seized the goods, consisting of a stock of jewelry, and placed a man in charge of the shop. The plaintiff claimed the goods, and after about two months an interpleader order was made, under which, in default of security being given by the plaintiff, the goods