

the plaintiff placed a *fi. fa.* goods in the sheriff's hands for \$365 on a judgment recovered against B.; but no seizure was made until October 25.

*Held*, that under R.S.O. 1897, c. 77, s. 17(O.), as amended by 62 Vict. c. 7, s. 9, s.-s. 2(O.), and 3 Edw. VII. c. 7, s. 18(O.), the writ did not bind the goods until seizure, and in the meantime the defendant had acquired the title thereto.

*Griffiths*, for respondent, appellant. *Lynch Staunton*, K.C., for plaintiff, respondent.

## Province of Manitoba.

### KING'S BENCH.

Mathers, J.]

C. L. B. Co. v. X. Y.

[Jan. 20.

*Execution—Exemptions—Seizure of goods for the price of which the action was brought—Suit on bill of exchange given for such prices.*

Under sub-section (c) of section 29 of the Executions Act, R.S.M. 1902, c. 58, the books of a professional man are exempt from seizure under execution, but section 36 provides that nothing in the Act shall be construed to exempt from seizure such books if the purchase price of them is the subject of the judgment proceeded upon by way of execution.

The plaintiffs had sued only upon a bill of exchange accepted by the defendant for the price of the books.

*Held*, that the purchase price of the books seized was, nevertheless, "the subject of the judgment proceeded upon" within the meaning of section 36 of the Act, and that they were not exempt. *Black on Executions*, par. 217; 18 *Cyc.* 196; 12 *Am. & Eng. Ency.* 175, followed.

*Burbidge*, for plaintiffs. Defendant in person.