

ations and the crops when harvested are the property of the partnership. Such crops cannot be sold by the sheriff under an execution against one partner. All the sheriff can sell is the share and interest of the execution debtor in such of the chattels of the partnership as are seizable under a fi. fa., and all the purchaser gets is the right to have the accounts of the partnership taken to ascertain what that share or interest is and then to realize it in proceedings to wind up the partnership. *Manitoba Mortgage Co. v. Bank of Montreal*, 17 S.C.R. 692, and *Helmere v. Smith*, 35 Ch. D., at p. 447, followed.

Christie, one of the claimants in these interpleader proceedings had sold the farm in question, on deferred payments, to the defendant and two other persons who had agreed that all the wheat grown upon it should, when threshed, be delivered at an elevator or in cars in the joint names of vendor and purchasers and that half of the proceeds should be applied, first, in paying the interest due, second, in paying taxes and other charges against the crop and the balance towards the purchase price of the farm, the remaining half to be paid to the purchasers.

Held, that the plaintiff as execution creditor of one of the purchasers, could reap no advantage against Christie from s. 39 of the Bills of Sale and Chattel Mortgage Act, R.S.M. 1902, c. 11, which makes void a security taken upon growing crops and crops to be grown, even if that section would apply in such a case as to which no opinion was expressed. The plaintiff, claiming the proceeds of the crops which were partnership funds, must fail in the issue as against another partner claiming the fund and also as against Christie, as that partner conceded Christie's right to it.

Hoskin, K.C., and *Bowen*, for plaintiff. *A. B. Hudson* and *Locke*, for claimants.

KING'S BENCH.

Prendergast, J.]

[Nov. 9, 1910.

THE KING v. WONG ROOD.

Criminal law — Summary trial — Police magistrate — Gaming house — Excessive punishment — Amendment of conviction — Habeas corpus.

Held, 1. Since the amendment of ss. 773(f) and 774 of Crim. Code by 8 & 9 Edw. VII. c. 9, the case of *King v. Lee Guey*, 13