

Court of York, in favour of the plaintiff, in an action in that Court to recover possession of a piano. One Bonter, the owner of the piano, mortgaged it to the plaintiff. The piano was in Bonter's possession on premises demised to him by a Mrs. Orchard. Rent being overdue, Mrs. Orchard issued a distress warrant and placed it in the hands of the defendant for execution. The defendant distrained Bonter's goods, including the piano. Bonter, in order to obtain time, executed a bond in favour of the defendant, which provided that if the defendant would withdraw from close possession and if Bonter should fail to pay \$42 the defendant might repossess the goods. The defendant, on obtaining the bond, withdrew temporarily from possession, leaving the goods in possession of Bonter. The latter paid only a fraction of the \$42, and the defendant again placed a man in possession. Bonter went to the defendant's office, and, as the defendant said, "he arranged that I should take the piano and store it, and he would make payments until he should pay it all up." As a result of this arrangement, the defendant, according to his own evidence, removed the piano from Bonter's custody, and placed it in storage, where it continued to be until the trial of the action on the 22nd October, 1909. Held, by a Divisional Court (MULOCK, C.J., MAGEE, J.A., SUTHERLAND, J.), that so soon as the piano, in accordance with this arrangement, was removed from the demised premises, the distress was abandoned, the landlord's lien upon the piano ceased, and the plaintiff was entitled to possession of it under the mortgage. Appeal dismissed with costs. G. Grant, for the defendant. A. R. Lewis, K.C., for the plaintiff.

MCKEE v. VERNER—MASTER IN CHAMBERS—MAY 23.

Stay of Proceedings—Action on Foreign Judgment—Stay in Foreign Court.—Motion by the defendant to stay all the proceedings in the action, which was upon a foreign judgment. The judgment in question was obtained on "a judgment-note" similar to that in question in Metropolitan Trust and Savings Bank v. Osborne, 14 O. W. R. 135, ante 785. The defendant had made petition to the foreign (Pennsylvania) Court to set aside the judgment and to be allowed to enter a defence. Upon this a rule to shew cause had been granted and all proceedings upon the judgment stayed. The Master referred to *Huntington v. Attrill*, 12 P.