

fied, and for an account and payment of the loss, costs, and damages sustained or paid by plaintiff by reason of the Biggar mortgage.

An interim injunction was granted by the local Judge at Belleville restraining the sale of the plaintiff's goods under the execution issued upon the Biggar judgment; and upon a motion to continue the injunction coming on to be heard, an order was made on the 14th April, 1896, directing that the parties should proceed to the trial of an issue for the determination of the matters in question between them, and providing for staying the sale of the goods seized under the execution on condition that the plaintiff should deposit with the sheriff by a time named \$400, "to represent the value of the goods seized," with liberty to her within a week to substitute a sufficient bond for \$400, upon the doing of which she was to be at liberty to "withdraw from the custody of the sheriff" the \$400, and it was by the order further provided that the plaintiff should pay the sheriff's expenses in connection with the seizure.

The plaintiff paid \$400 to the sheriff or into Court, and paid the expenses of the sheriff, as directed by the order.

Instead of proceeding to the trial of an issue, as directed by the order, by arrangement between the parties pleadings were delivered and the action proceeded to trial and was tried before Rose, J., on the 5th November, 1896.

A further question was raised by the pleadings, as to whether the goods seized by the sheriff were the property of the plaintiff or of her husband, against whom the Biggar judgment had been recovered, and who, it was not disputed, was liable to pay it.

By the judgment pronounced at the trial it was adjudged that the goods seized were the property of the plaintiff's husband, and it was ordered that the sheriff should proceed to sell them under the execution on the Biggar judgment, and that the \$400 paid into Court by the respondent under the order of the 14th April, 1896, should be retained by the sheriff "to answer any depreciation in the value of the goods seized or other loss by reason of the postponement of the sale," on the application of the plaintiff.

The goods seized were sold pursuant to the directions contained in the judgment, and realized \$274.76.