

notice; and, if he had been, he would not have done more than he actually did.

The sale took place on the 15th July, 1910. The plaintiff remained in occupation of the office with some books, papers, etc. On or about the 18th August, the plaintiff went away from Berlin with his wife, temporarily, leaving his house locked up. On the evening of the 18th August, the defendant Zuber found the office door unlocked; and on the 19th he sent his co-defendants, who went into the office, through the front door, unlocked, as I have said, and carefully and prudently gathered the books, papers, etc., put them into boxes, etc., and took them to the plaintiff's house. Finding that place locked up and no one in, they left the goods on the verandah of the house, the plaintiff admittedly having no other house or place of business. The plaintiff came home some days after this occurrence, and found that some of his papers had been scattered by the wind—one apparently lost. The damage, however, is trifling, and I assess that at \$10—to which sum, with Division Court costs, with a set-off of High Court costs, the plaintiff will be entitled, if he is entitled to anything.

But the defendants contend that he is not entitled to judgment at all.

It has been said that a tenant may redeem or procure one to redeem for him: Coote, 7th ed., p. 714. And any one who has the right to redeem is entitled to notice of exercise of power of sale: *Re Abbott and Medcalf*, 20 O.R. 299.

But it has not been held that an occupant like the plaintiff—even if the fact is, as I find it is not, that he was the tenant in the tenancy from April, 1909, to April, 1910, and thereafter remained in possession as a tenant whose term had expired—has a right to redeem. He was not entitled to notice of the exercise of power of sale. Nor had he any right to have his goods upon the premises of the defendant Zuber. The defendant Zuber can avail himself of the time-honoured plea to this action for trespass, that the goods were incumbering his property, "whereupon the defendant took the said goods and removed them to a small and convenient distance and there left the same for the plaintiff's use, doing no more than was necessary for that purpose:" *Bullen & Leake's Precedents in Pleadings*, 3rd ed., pp. 799, 800.

So far, I had no doubt at the trial, but I reserved judgment to consider whether what was done with the goods by the defendants answered all the requirements of the law in that regard. My doubts have been removed. It seems that a removal, even upon the public street, is justifiable: *Ackland v. Lutley*, 9 A. &