

kept hanging about for more than a reasonable time—get cross or stupid. Consequently the fate of a litigant or prisoner whose fortune depends upon the decision of a Court—in which every person, from the Judge to the usher, is over-fatigued, and more or less out of temper—is apt to be, and frequently is, disastrous.” With Mr. Justice Furguson’s unhappy experience as a warning, it is to be hoped that the effort in future to do more than a reasonable day’s judicial work in a day may be abandoned.

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#### *LANDLORD’S RIGHT OF DISTRESS.*

In commenting recently on the Landlord and Tenant Act, 1895, s. 4 (ante vol. 31, p. 525), we expressed the opinion that notwithstanding the apparently revolutionary character of that section, the true meaning of it is to enable assignees of leases and others having no reversion, to distrain; and that the effect of it is, therefore, to enlarge rather than to narrow the right of distress. The contrary view was taken by a writer in our contemporary, the *Canadian Law Times*; we are, therefore, pleased to notice that the opinion advanced by us was recently adopted by Chief Justice Meredith, in a considered judgment in the case of *Harpelle v. Carroll*, which will, we presume, hereafter appear in the Reports. As the matter, however, is of some importance, and has caused much comment, we now give in advance some extracts from the judgment which will be read with interest:

“The contention of the defendant is that the provisions of this section are retrospective, and that the effect of them is, save as to cases pending when the Act was passed, to take away the right of the landlord to distrain, except where the agreement by which the relation of landlord and tenant is created confers that right, and that in such cases the right to distrain, being a mere license, does not justify the distraining property belonging to a stranger. \* \* \* Apart from a consideration of the effect of the section, if it stood by itself, there is, I think, in the other provisions of the Act of which it forms part, evidence that the Legislature did not intend to make so