

we may say, it was clearly the intention of the amendment to do. He asks, does the clause mean that a tenant can claim for his goods exemption only when he is exactly two months in arrears with his rent; that if he be only one month in arrear, or three months in arrear, he can claim no exemption at all?" We do not think any such construction would be correct. The sub-section says: "In case of a monthly tenancy the said exemptions shall only apply to two months' arrears of rent." The fair reading of which we submit is that in respect of two months' rent or less, the exemptions can be claimed, but not for any excess beyond two months' rent. Although the learned judge suggests many alternative meanings of this sub-section 2, he does not refer to this, which seems to us to be the true one.

As to the learned judge's introductory remarks on the assumed harshness of the common law, which enabled a landlord to seize, with few exceptions, all of his tenant's goods, to satisfy his rent, it must be remembered that landlords are in an entirely different position to other creditors, and the common law very wisely and reasonably gave them special remedies for enforcing their claims. A tenant gets into possession, and in spite of his landlord's wish often remains in possession without paying rent. The landlord may stipulate for rent in advance, but such stipulations can only be enforced with difficulty and a rigour which few landlords would care to employ, and the experience of most landlords is that such stipulations are easily overcome by designing tenants, and if attempted to be enforced expense is incurred which in most cases is not recoverable from the tenant. We think there has been of late a great deal too much sympathy extended to the tenant, and far too little to the landlord, who frequently has to mourn dilapidated premises and loss of rent as the result of the indulgence he has extended to an ungrateful tenant, and we venture therefore to criticise rather freely decisions which tend unduly to deprive landlords of a right which we believe the legislature intended to give them.