

sion under a new agreement with the person who had evicted him, his original landlord cannot distrain on him for rent."

I will merely cite the following authorities in which the doctrine with its limitations is fully discussed: Bigelow on estoppel, pp. 517-20, 522, 527 and 534-36-37; *London and North-Western R.W. Co. v. West*, L.R. 2 C.P. 553; *Achorne v. Gomme*, 2 Bing. 54; *Clardige v. McKensie*, 4 M. & G.; *Pope v. Biggs*, 9 B. & C. 252; *Doe d. Higginbotham v. Barton*, 11 A. & E. 314-5-6. Bigelow on estoppel, at p. 522, says: "Some doubt has been raised in a recent English case (*Delaney v. Fox*, cited above) whether constructive eviction is enough in England, but it has been distinctly declared enough in one case, and evidently so considered in others. And it has been said that the law must be regarded as settled in England in this way." The most that can be said of *Delaney v. Fox* is that it threw out a doubt as to the sufficiency of constructive eviction. The question of its sufficiency did not even arise in that case, because the Court expressly decided that no constructive eviction was proved. The facts in that case do not disclose a threat of eviction by a person having a paramount title. In conclusion, the decision of the Supreme Court in *Ross v. McDougall* in no way affected the doctrine referred to, and the law in Nova Scotia as to the estoppel of a tenant from disputing his landlord's title remains the same to-day as it was before that case was argued.

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REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT OF CANADA.

B.C.]

MAJOR v. MCCRANEY.

[Nov. 21, 1898.

Construction of statute—20 & 21 Vict., c. 54, s. 12 (Imp.)—Application—Criminal prosecution—Embezzlement of trust funds—Suspension of civil remedy—Stifling prosecution—Partnership.

The Imperial Act, 20 & 21 Vict., c. 54, s. 12, provides that "Nothing in this Act contained, nor any proceeding conviction or judgment to be had or taken thereon against any person under this Act, shall prevent, lessen or