

This law is attacked, not only on the ground that it gives legal sanction to the indefensible practice of robbing Peter to pay Paul (or rather, permitting Paul himself to commit the robbery, a permission not accorded to any creditor other than a landlord), but on the ground that no better reason can be given why a landlord should be his own bailiff, than that a grocer or a banker should enforce payment of his account by peremptory seizure and sale.

We have no answer to make to the first ground of attack. It is, we believe, unanswerable, and the Legislature should protect the Peters from the Pauline raids. It is just and reasonable that a man's goods should be exigible for payment of his own debts, but not for those of others whose liabilities he never assumed and perhaps never knew of.

Here, however, the force of the attack ends. Let us examine the remaining argument. If a man purchase groceries and agrees with the grocer that, in case of default in payment at a given time, it shall be lawful for the grocer to seize and sell the debtor's goods and chattels for payment of the debt, the grocer would have all the rights which a landlord ought to have. Such an agreement would be perfectly legal, and might perhaps with profit to grocers come into general use. Why should a grocer be obliged to incur the expense and risk of loss entailed by a law suit, and why should the debtor be at liberty to bid the grocer defiance for weeks or months, while he is endeavoring to obtain that which the law says he is entitled to, namely, the sale of the debtors goods for payment of his debts.

*Irrespective of a special agreement, the grocer cannot act as his own bailiff, while, unless there is an agreement to the contrary, a landlord can do so.* This is all the difference that would exist if the Pauline depredations were stopped, and that this is the full extent of the distinction must be kept in mind if confusion is not to attend the argument.

The difference, then, between the positions, is one solely of agreement, and exists because it has been found to be beneficial. If it were not so, custom would long ago have