THE

MANITOBA LAW JOURNAL

VOL. I. MARCH, 1884. No. 3.

DISTRESS.

PRIVILEGES, although sanctioned by the custom of centuries, must, in this practical, equalizing, democratic age, give reasons for their existence, or finally succumb to attack. While landlords made the land laws, no argument in favor of the right of distress was necessary. *Sic volo, sic jubeo* was then sufficient. Times have changed, and now the name of landlord seems to many to carry with it a certain undefined opprobrium, gathered, it may be, from its frequent association with such adjectives as Irish, absentee, rack-renting, &c. It would be impossible, at such a period, that any privileges accorded peculiarly to landlords, especially if without parallels or analogies to sustain them, should escape criticism.

The law of distress is now a favorite subject of attack, and it will be the object of this paper to separate that which is deemed to be the reasonable and defensible portion of that law, from that which must soon be abrogated.

As the law stands at present, a landlord has the right to seize for payment of his rent, all goods upon the premises demised, whether they belong to the tenant or not. There are, of course, some exceptions to the generality of this statement, but it is sufficiently accurate for our purpose.