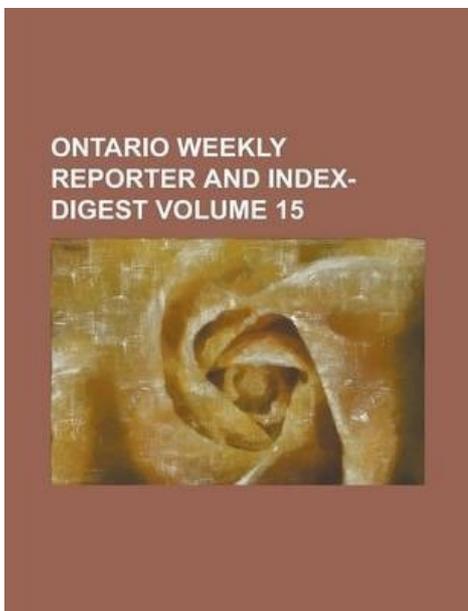


# Ontario Weekly Reporter and Index-Digest Volume 15

U S Government, Anonymous



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1910 edition. Excerpt: ...distrained, assuming, as I infer, to fix the amount of it himself. The plaintiff then brought this action. The fourth count of the declaration was for making an excessive distress. The fifth for distraining when no rent was due. The sixth for distraining for more rent than was due and the ninth for breach of the covenant to make an allowance and refusing to refer to arbitration. The other counts need not be noticed. At the trial it was agreed that a verdict should be entered for the plaintiff with nominal damages on the fourth count and on the fifth for 5 s. 9d., if the Court should be of opinion that the defendants right to distrain had ceased under the lease and if it had not, then the verdict to be entered for the defendant that a verdict should be entered for the plaintiff on the 9th count for nominal damages subject to the opinion of the Court as to the principle on which they should be ascertained. If the Court should declare that the deduction should be made per acre and that plaintiff had no other right to claim deduction. then a verdict should be entered for the defendant on the second, third, fourth and eighth counts. On the subsequent motion there seems to have been 8 difference of opinion, at all events in regard to the result as expressed. The Chief Justice said, The right to make a distress did not I think necessarily cease merely because the rent had become uncertain on account of the land conveyed to the mPanY. It would have ceased if there had been a wrong ful eviction by the landlord, but that was not the case here. Then he quotes the agreement. and adds. This hemg the express agreement the landlord had no right to apportion the rent for himeslf, and to distrain for Such...

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- [On the Road to Arden \(Classic Reprint\)](#)
- [On God : An Uncommon Conversation](#)
- [On the Probable Origin and Age of the Sun](#)
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