

## The Legal News.

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It is rather late in the day to raise the question of the representation of Canada in Imperial tribunals, because it is evident that appeals from this country are every year becoming fewer. Last year there was but one case from this Province decided by the Judicial Committee, while on the last Supreme Court list there were sixteen appeals from our provincial Court of Appeal. An appeal from Canadian courts to England will soon be a very rare event, so that the question of representation does not now seem to be an important one, unless the right of appeal from the Supreme Court should be granted.

*The Green Bag*, for January, opens with a biographical notice and portrait of Benjamin Vaughan Abbott, author of the National Digest and numerous other works. Mr. Abbott was born in Boston, in June, 1830. After some years of practice in partnership with a younger brother, he devoted himself entirely to the preparation of reports and digests. A New York Digest was followed by the National Digest on the same plan. In June, 1870, he was appointed by President Grant one of three commissioners to revise the statutes of the United States, a work which occupied three years, and resulted in the consolidation of sixteen volumes of United States laws in one large octavo. Another work of some note was his Digest of the law of corporations, prepared with the assistance of his brother Austin. Mr. Abbott died in Brooklyn, Feb. 17, 1890.

A question which seems to create some difficulty in England is whether a judge or a barrister has the better opportunity of acquiring knowledge of law. The statement is attributed to the Master of the Rolls, that judges must acquire greater knowledge than barristers, however eminent the latter may be, because they are in every case they try.

The *Law Times* replies that a barrister who every day is in several cases before several judges has more opportunity of learning law than a judge who does not leave his own court, and who has to teach himself law. "The great school of law in the courts is the Court of Appeal. A judge of the Chancery or Queen's Bench Division never goes there to learn; he is taken there to be reviewed, to be differed with, dissented from, reversed, affirmed or—dropped, as some judges are who give no reasons for their judgments, or find things so clear that nothing is to be said. In his own court he *may* administer what he believes to be law, but which may be nothing of the kind. How can he be said to learn in doing that? No; barristers learn more law than judges, because they have to inform the judges what the law is. Teaching always impresses principles upon the mind more than the learning and application of them. And if Baron Huddleston, during his sixteen years, learned more law than most judges—which we respectfully doubt—he did so by an industry and a method peculiar to himself."

### COURT OF QUEEN'S BENCH—MONTREAL.\*

*Lessor and Lessee—Arts. 1612, 1614, 1618 C. C.—Disturbance of lessee's use—Claim for reduction of rent—Trespass—Judicial disturbance.*

*Held*:—(Affirming the judgment of Wurtelle, J., M. L. R., 6 S. C. 74). 1. Until a judicial disturbance has arisen, and a partial eviction has been the consequence thereof, no claim by a lessee for a reduction of rent can be maintained. A judicial disturbance may arise either by an action of a third person setting up a claim of right to the detriment of the lessee, or by an exception setting up a claim of right, in answer to an action of damages brought by the lessee against a trespasser.

2. A lessee who is disturbed in his possession by the material act of a third party, whatever may be the assertion of right made by such third party at the time of the commission of the act, should treat such disturb-

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