

## RECENT ENGLISH DECISIONS—MR. BENJAMIN, Q.C.

## CONSTRUCTION OF STATUTES.

Of the main portion of the next case, *Spence v. Metropolitan Board of Works*, p. 142, it is unnecessary to take notice, as it relates to the construction of certain words in an Imperial Act relating to the taking of land by the Metropolitan Board of Works. to which we do not seem to possess an equivalent in our Acts relating to similar subjects. But there are two observations on the subject of the construction of the statutes which may be mentioned. At p. 149, Chitty, J., observes: "I take it as a general rule in construing statutes, that the same words must be *prima facie* construed in the same sense in the different parts of the statute." And at p. 157, Cotten, L. J., says:—"I do not see how we can construe a word in one statute by reference to its use in another, in which the context may be different;" and Jessel, M. R., says:—"I think you cannot refer to the other Act."

## PARCELS—ADJOINING TENEMENTS

In the next case, *Francis v. Hayward*, p. 177, the question was whether the fascia over a certain gateway was a part of the premises demised to the plaintiff, or whether it belonged to the defendant. As Jessel, M. R. said, the question was one of fact, not of law—parcel or no parcel. But it may be worth while to notice his remark that "It is quite possible that something imbedded in one house may be a parcel of another house, though quite separate from it."

## LEAVE TO APPEAL—LAPSE OF TIME.

In the next case, *Pearreth v. Marriott*, p. 182, a certain order was made in 1861, in an administration suit, which had been acted upon ever since, and the Court of Appeal held, that considering the lapse of time, leave ought not to be given to appeal from the order.

A. H. F. L.

## SELECTIONS.

## MR. BENJAMIN, Q.C.

WITH the conclusion of the Civil War, Mr. Benjamin had to effect his escape from Richmond, and, more fortunate than his chief, Mr. Jefferson Davis, he succeeded in making his way to the coast of Florida. After experiencing strange adventures in a small craft laden with sponges, on board of which he put to sea, Mr. Benjamin landed safely in this country, to find that his fame as a lawyer and a statesman had preceded him, and that the Confederacy which he served so warmly had still some friends. Mainly by the advice and assistance of the late Chief Justice Pollock, Mr. Benjamin contrived to get called to the English Bar without losing three years in keeping terms. He was fifty years old when he first put on the wig and gown of an English barrister, and the tremendous experiences through which he had already passed would have exhausted the energy of most public men. With the exception of a comparatively small sum lodged by him in the hands of Messrs. Overend and Gurney, Mr. Benjamin had nothing wherewith to make a new start in life, and he had come, moreover, at a mature age to an old country, where to rise Antæus-like from the ground is a thousand times more difficult than upon that young and exuberant continent which he had left behind him.

The history of the English Bar will hereafter have no prouder story to tell than that of the marvellous advance of Mr. Benjamin from the humble position he occupied as a junior in 1866 to the front rank of his profession in 1883. Adversity, however, had not yet done with him when she sent him, broken indeed in fortune, but endowed with inextinguishable vitality and hope, to this country at the end of 1865. In the following year there came that memorable "Black Friday," which is not yet forgotten in city circles, and was caused by the sudden suspension of Messrs. Overend and Gurney. By the fall of that great house Mr. Benjamin lost the sum of three thousand pounds—all that he possessed on earth—and had to cast about for something to do until his book on the "Sales of Personal Property" was completed. Having a wife and daughter to maintain in Paris, and himself in London, he prepared with that easy adaptability to circumstances