

Notes on Exchanges and Legal Scrap Book.

CONSTRUCTIVE EVICTION.—An unusual but successful defence to an action by a landlord for rent was raised in the recent case of *Duff v. Hart* in the New York Court of Common Pleas. It appears that the plaintiff had leased to the defendant the upper portion of a building with the restriction that he should use it only for the purposes of a florist's establishment. Subsequently he leased the portion of the premises beneath the defendants for a laundry. As soon as the latter commenced operations, the defendant, before his lease had expired, vacated his premises, whereupon the landlord brought the present action. The defendant resisted on the ground that he had been evicted by his lessor, in that the maintenance and operation of the laundry rendered his premises untenable, and defeated their beneficial use. The jury found for the defendant, and, on an appeal from the judgment, entered on the findings, the court held, that the circumstances constituted constructive eviction, for, by the operation of the laundry, the defendant was effectually deprived of the use of the premises leased to him.

UNRELIABILITY OF PHOTOGRAPHS.—An amusing case appeared some time ago in one of the law courts. It was a dispute between two persons about a wall. The plaintiff complained that the defendant's wall obstructed the light to which he had a right. Defendant denied the charge. The most amusing part of the case, however, was when the complainant handed the judge some photographs of the obstructing wall, and the judge observed that it was evident from them that the wall certainly did obstruct the light and was apparently of unnecessary height and size. Then up rose the counsel for the defendant, and with a smile handed the learned judge his photograph of the same wall. In the first set of photographs the wall was of immense size, towering above all the winds: in the second, however, it was of liliputian dimensions, a most insignificant thing, unworthy of any dispute. Now these different effects can all be brought about by using lenses of different angles, that is to say, lenses which collect or throw a more or less amount of view on a plate of given dimensions. A wide angle lens is one that includes a lot of view in a picture; and as the angle is a long way different to that of the human eye, the picture in no way gives a correct representation of the scene. Readers should beware of house agents' photographs of the houses and property they have for disposal. They are nearly all taken with a wide angle lens. With such an instrument it is possible to make a small London back garden resemble a large open park. The reason is that it causes all objects near at hand to appear large, and those a little distance away to recede far away in the background.—*London Tit-Bits.*