force was used, arising in the same court that decided *Newton* v. *Harland: Blades* v. *Higgs*, 10 C. B. N. S. 713, 721.

The language of Parke, B, is, it will be seen not limited to a denial of the anomalous doctrine of forcible entry by relation, propounded by the court in *Newton* v. *Harland*, but broadly lays down the right of entry by force, and its competency to confer a legal possession and consequent right to expel by force; and the decisive adoption of this broad proposition by the court in *Blades* v. *Higgs* is conclusive as to the position of the English law on this point at the present day. But without disposing of the questions involved in this inquiry merely by referring to this latest decision, we find that the cases prior to this and since *Harvey* v. *Brydges* have reaffirmed with equal distinctness the positions taken by the earlier cases first stated, and as distinctly have denied the authority of *Newton* v. *Harland*.

The doctrine asserted in this latter case and in *Hillary* v. *Gay*, that the presence of the tenant restricted the lessor from using force was effectually disposed of by *Davison* v. *Wilson*, 11 Q. B. 890, where title was held on demurrer a sufficient plea to trespass *qu. cl.*, for entering, &c., "with a strong hand" on the tenant's possession in such a manner as to constitute an indictable offence; and even more decisively by *Burling* v. *Read*, *ib.* 904, where the same plea was held good to trespass, *qu. cl.* for a forcible entry made on the possession of the tenant, and for destruction of the premises, and a plea of *molliter manus* to a count for assault for the forcible removal of the tenant. In *Davis* v. *Burrell*, 10 C. B. 821, the court in terms denied the authority of *Newton* v. *Harland*, and in fact overruled it, holding title a good plea to trespass for assault against the lessor who had re entered during the tenant's temporary absence, and forcibly held him out; since no distinction can be drawn between forcibly putting and forcibly keeping out of possession, and the facts were on all fours in the two cases. On the other hand, the sufficiency of the plea of title not only to trespass *qu. cl.* but to a count for expulsion also, unless this last was a distinct or excessive assault, was reaffirmed in *Meriton* v. *Coombes*, 1 Lowndes, M. & P. 510; where on the new assignment by the plaintiff of the expulsion, a demurrer was sustained, as there was no assault; since the expulsion was only an injury to the possession, and covered by the plea of title; in other words that the title or right to immediate possession gave also the right to expel with necessary force; and in *Pollen* v. *Brewer*, 7 C. B. N. S. 371, where, on trespass against the lessor, with separate counts for assault and *qu. cl.* with expulsion, he court held the latter not maintainable upon a plea of title, as the tenant was "clearly a trespasser," and that "the landlord had a right to enter and turn the tenant out," and the latter could only recover for the excessive force under the count for assault.

In all this long line of cases not one sustains the action of trespass *qu. cl.*, and it is distinctly admitted not to lie by the only decision adverse to the lessor's right to use force; and it is as distinctly the result of authority that no action lies for force to the person, unless this is excessive, and the distinction, if any, between force to the person and to the premises —the so-called doctrine of vacant possession —meets not the slightest countenance.

(*To be continued.*)

CLERICAL DISABILITIES.

"Once a priest always a priest," is a law which the public mind was very prone to approve, and possibly a considerable minority will even now be shocked at the introduction of a bill to enable priests and deacons to relinquish their offices and to become laymen. Nothing, however, can be more fair or more expedient than such a measure. To keep a man for lifetime in a profession for which he is unsuited, or which compels him to do violence to his conscience, is cruel oppression. On the other hand, it is for the interest of the Church that she should be rid of unwilling ministers. The bill introduced by Mr. Hibbert enacts that a priest or deacon may, after having resigned every preferment held by him, execute a deed relinquishing the office of minister, and after six months the deed shall be recorded. and the one-time minister will become for all purposes a layman. If the ex-minister wants to return to the clerical profession he can revoke the deed of relinquishment, and the archbishop may, if he thinks fit, immediately or after a lapse of time cause the new deed to be recorded, but the re-admitted minister will not be capable of holding any perfermeut for two years after the recording of the deed of revocation. We deem this a very just clause. It is right that the archbishop should have a discretion in respect to re-admitting a person who has once relinquished the office of minister, and the disability to hold any preferment for two years will prevent any playing fast and loose with the ministerial office for the sake of emolument. The 9th clause says, 'Nothing in this Act shall relieve any person or his estate from any liability in respect of dilapidations, or from any debt or other pecuniary liability incurred or accrued before or after the execution of a deed of relinquishment under this Act.' This is an unexceptional provision. Any minister availing himself of this Act will do so either on account of conscientious scruples in respect to his continuing a minister of the Church of England, or else because he thinks he can do better for himself and his family in some other calling. Mr. Hibbert's bill is a well-considered measure, and we hope it will be accepted by Parliament.—*Law Journal.*