

London Building Act, demolished the part of the wall which was below the ground, and rebuilt it with concrete foundations and damp-courses in accordance with the requirements of the Act. It was held that the tenant was liable under his covenant for the whole of the cost of the work which had been executed by the landlord.

The gist of the decision appears to be in the finding of fact that with a new wall the house would still be the same house, and therefore that the repair or restoration found to be necessary was only restoration of a "subordinate" part of the subject-matter of the covenant. It is not, however, easy to see the real distinction in this respect between the case and *Wright v. Lawson*. Surely the window in that case was also only a subordinate part of the subject-matter of the covenant. Supposing the new window had been erected with the necessary substantial supports required by the local authority, would anybody have said that the house was a different house to the one which existed before? In the one case the thing replaced was a window, and in the other a wall; the window required new supports, just as the wall required new foundations. It is quite true that the external form and appearance of the new window, if erected, unlike that of the new wall, would have been different. But beyond the fact that the change was more obvious to the eye in the one case than in the other, can any other real difference be suggested? Lord Justice Buckley, who was apparently the only judge who dealt with *Wright v. Lawson*, said that the bay window there could not be replaced, but could only be reproduced by that which would be a new structure. But if a window be a "structure" within the rule, why is an external wall not a structure also? If repair (as the learned judge says) is restoration by renewal or replacement of subsidiary parts of a whole, while renewal, as distinguished from it, is reconstruction of substantially the entirety of the subject-matter of the covenant, why, if the wall (as it clearly is) is only a subsidiary part of "the whole," is replacement of the window a reconstruction of the entirety? The entirety of what?