

in possession of the premises the defendant rendered them uninhabitable by making repairs, which caused damage to plaintiff. The latter asked for the resiliation of the lease and to be compensated for the damages occasioned to him.

The plea was that the repairs were urgent and necessary, that the defendant had done all that was possible to prevent loss or injury to the plaintiff, and had endeavored to finish the repairs in the shortest possible time, and he further alleged, that the plaintiff had consented to the repairs being made while he was in the house.

The COURT on the authority of the following decisions dismissed the action :

*Morison v. Langevin*, A.D. 1870 ; tenant on a five years' lease quit abruptly because repairs were going on. The landlord succeeded. *Dufresne v. Hubert*, A.D. 1871 ; repairs not needlessly delayed, the tenant owing to less enjoyment got a reduction of rent allowed. The tenant in this case took no false position. *Langevin v. Sénécal*, A.D. 1869, and *Wiseman v. Coultry*, A.D. 1874, where diminution of rent was claimed by tenants and they succeeded.

The judgment is as follows :

"The Court, etc.

"Considering plaintiffs' right to resiliation  
"not seen, no other action than for diminution  
"of rent in any, the most favorable view for said  
"plaintiff, doth, maintaining the *plaidoyer* first  
"pleaded by defendant more particularly, dis-  
"miss the present action with costs."

*Longpré & David* for plaintiff.

*Barnard, Beauchamp & Creighton* for defendant.

#### SIR GEORGE BRAMWELL.

It is announced that Sir George Bramwell, late of the Court of Appeal, is to be raised to the Peerage. Sir George, who, in 1856, succeeded Baron Parke (Lord Wensleydale), says the *London Times*, has been upon the Bench twenty-five years, a longer period than any judge in our times except Baron Parke himself, who sat upon the Bench twenty-eight years. Sir Alexander Cockburn, the late Lord Chief Justice, was the only judge who had been raised to the Bench as long ago—he having been appointed in the same year—but he died and left Sir George still upon the Bench. The late Lord Chief Baron, Sir Fitzroy Kelly, though

many years older than Sir George (who had been in early life his pupil), was far younger as a judge, having been appointed in 1866, when Erle and Pollock retired. The natural effect of such a long tenure of judicial office as that of Sir George Bramwell is, as regards not only the Bar, but the Bench, to invest a judge with very great authority. All the other judges, the oldest of whom have only been eight or nine years on the Bench (except Lord Justice Lush, who has been thirteen or fourteen) had practised before him for years, and consequently could not help looking up to him with the deference due to known experience and the long exercise of judicial authority. The career of Sir George Bramwell was, indeed, in every way remarkable. The mere dates suffice to show that his abilities must have been great and his progress rapid ; for, as he was called to the Bar in 1838, he had been only forty-three years in the profession when he retired, and of these years he had been twenty-five on the Bench. He must soon have acquired a solid reputation, for thirty years ago, when he had only been twelve years at the Bar, he was appointed on the Common Law Commission, and six years afterward he was raised to the Bench, curiously enough just ten years before his old tutor Kelly, with whom, however, he afterward sat some years on the Bench. His career, therefore, covers a considerable period in legal history and one extremely eventful and important. He was very popular with the Bar. This was probably because he was so thoroughly natural. There was nothing stiff or formal in his manner on the Bench. He was the same man on the Bench as off—shrewd, natural and good humoured. There was nothing soft or honeyed in his tone ; on the contrary, his way of speaking was rather sharp, short and incisive, and his style was always terse and almost curt, but never unkind, and always fresh, racy and original and full of novel illustrations and striking analogies. An entertainment was lately given him on the occasion of his retirement from the Bench.

#### GENERAL NOTES.

Edgar Dewdney, Esq., Commissioner of Indian Affairs in the Northwest Territories, has been appointed Lieutenant-Governor in and over the Northwest Territories.