

noncer la résiliation du dit bail, est également mal fondée ;

“ Et considérant qu'il y a erreur dans le jugement de la Cour Supérieure rendu à Montréal, le 13 Novembre, 1878, qui a renvoyé l'action de l'appelante ;

“ Et considérant que l'article 1625 C. C., n'est pas applicable au bail fait par l'appelante à la dite Isabella Moir, qui contient les clauses d'un bail emphytéotique, la cour inférieure aurait dû condamner le dit Charles Berger à payer à l'appelante la somme de \$200 avec intérêt à compter du jour de l'assignation, et déclarer le dit bail résilié et résolu dans le cas où le dit Charles Berger, comme représentant la dite Isabella Moir, n'aurait pas payé la dite somme de \$200 sous un délai qu' elle aurait fixé ;

“ Cette cour casse et annule le dit jugement &c., et condamne le dit Charles Berger à payer à l'appelante la dite somme de \$200, avec intérêt sur icelle à compter du 26 Septembre, 1878, jour de l'assignation en cette cause, et les dépens, tant en cour inférieure que sur le présent appel ; et cette cour adjuge et ordonne que faute par le dit Charles Berger de payer la dite somme de \$200, intérêt et dépens, comme susdit, sous le délai de 15 jours de la date de ce jugement, le dit bail du 8 Juin, 1877, sera, et il est déclaré par les présentes, et sans qu' il soit besoin d'autre jugement à cet effet, résilié et résolu, à toutes fins que de droit, et que, dans ce cas, la dite appelante soit remise en possession des lieux loués, sous l'autorité de la dite Cour Supérieure (*Dissentiente l'hon. M. le juge Monk*).”

*Bonin & Archambault* for appellant.

*Archambault & David* for respondent.

## CURRENT EVENTS.

### ONTARIO.

**THE Q. C. QUESTION.**—At the opening of the Court of Common Pleas, at Toronto, Nov. 20, Mr. Bethune appeared habited in a stuff gown, and took his seat outside the Bar of the Court. Upon his rising to make a motion,

Chief Justice Wilson said:—“ Mr. Bethune, I dare say some gentleman within the Bar will lend you a silk gown if you have forgotten yours.”

Mr. Bethune, in reply, said:—“ My Lords, I

think it is due to the Court that I should state why I am not this morning within the Bar. I was present in the Supreme Court when the judgment of that Court was delivered in the case known as the Great Seal Case. All the judges agreed that the Governor-General had the sole prerogative right to appoint Queen's Counsel in Canada. Three of the Judges held that the statute of Nova Scotia, which is the same as that in Ontario, if it attempted to invade the prerogative right in question, was void, and that persons appointed by the Lieutenant-Governor in pursuance of the statute of the Legislature were not Queen's Counsel properly so called. Justices Henry and Gwynne said that the Act of the Legislature was *ultra vires*. Mr. Justice Taschereau held that the Provincial Legislature might establish an order of precedence as between barristers who were not Queen's Counsel so created by the Governor-General, but that the members of that order were not Queen's Counsel any more than a nobleman who was created such by a statute of the Manitoba legislature would be a lord. Inasmuch as this judgment was from a judgment in a Provincial Court, it seemed to me, and I am still of that opinion, that I ought not to wear an honor my title to which is said to be doubtful.”

Chief Justice Wilson:—“ I am sorry, Mr. Bethune, that you are not within the Bar, but, after hearing the judgment of the Supreme Court in the matter, I think you act quite rightly. However, if we cannot have you in your old place, we shall be glad to hear you without the Bar.”

Shortly afterwards, Mr. Thomas Ferguson, who holds his patent as Queen's Counsel from the Lieutenant-Governor, desired a further expression of opinion from the Court as to the propriety of Queen's Counsel so created remaining within the Bar.

The Chief Justice said:—“ We think Mr. Bethune has acted quite properly in declining to wear a silk gown when the judgment of our highest Court questioned his right to wear that honor. We do not intend this to be a decision of the Court, but merely an expression of our opinion in the matter. Were I in Mr. Bethune's place I should have acted precisely as he has done.”

Mr. Justice Galt remarked that he also considered that Mr. Bethune had taken the proper course.