

discharge. Subsequently a second application for the discharge of the men was made before another Judge and, in the absence of the master, the papers were brought by a member of his family to plaintiff, who notified defendant and another owner of the application. Plaintiff had no notice of the removal of the master and was merely told by defendant that he had no instructions.

*Held*, by GRAHAM, E.J., and DRYSDALE, J., affirming the judgment of RUSSELL, J., that if defendant objected to plaintiff opposing the second application he should have told him so, and having failed to do so, and having paid the note given for services given after the removal of the master, the principle of estoppel applied.

Per SIR CHAS. TOWNSEND, C.J., and MEAGHER, J., dissenting, that the plaintiff's retainer was at an end when he was paid for the services rendered and that he was not justified in opposing the second application without fresh authority.

*O'Connor*, K.C., for appeal. *Mellish*, K.C., contra.

Full Court.]

[April 29.]

CATHOLIC CORPORATION OF ANTIGONISH v. MUNICIPALITY OF THE COUNTY OF RICHMOND.

*Taxation—Exemptions—Construction.*

The Assessment Act, R.S.N.S. (1900), c. 73, s. 4, exempts from taxation, "every church and place of worship and the land used in connection therewith and every churchyard and burial ground."

*Held*, not to extend to and include lands and buildings not being churches or places of worship such as glebe houses and lands, rectories, parsonages, etc., occupied and used by the pastors in actual charge of the churches and not rented or let to third persons or used otherwise than as a means of aiding in the support of such pastors.

*J. A. Wall*, for plaintiff. *Mellish*, K.C., for defendant.

Full Court.]

THE KING v. ELDERMAN.

[April 29.]

*Municipal corporation—By-laws—Use of abusive language on street—Word "scab"—Appeal—Point not taken below—Information and conviction—Sufficiency of.*

Defendant was convicted by the stipendiary magistrate of the town of Springhill, for a violation of the by-law of the town