

salaries go into the general fund of the order to which they belong ; nor that the Catholic religion is taught before and after school hours ; nor that the schools are closed on Roman Catholic holy days ; nor all of these together.

A bill filed by one ratepayer on behalf of himself and others to restrain the defendants from conducting a public school in a particular way, and alleging that the way is sectarian, must have the Attorney-General's consent, and make him a party.

Skinner, Q.C., and *Fowler*, for the plaintiffs.

Currey, Q.C., and *Lawlor*, for the defendants.

BARKER, J.]

[March 17.]

JONES v. HUNTER.

Landlord and tenant—Lessor restrained from closing up alleyway incidental to leased premises.

The defendant leased a store, together with the cellar underneath, to A., who assigned the lease to plaintiff. The store had always been used as a retail liquor store, and the cellar for storing liquors. Behind the store there was a room also included in the lease. At the time the lease was given there was an alleyway running from the street along the side of the building to the yard in the rear. A door opened from this alleyway into the room in the rear of the shop, and a trap door also opened into the cellar, which had always been used for putting in coal, casks of ale, etc. The defendant commenced to build a house alongside the one containing the flat leased by defendant, taking in nearly all of the alleyway and practically closing the two doors opening off it. The plaintiff applied for an injunction to restrain the defendant from so closing the alleyway on the ground that these privileges were incidental to the lease, and also on the strength of the word "privileges," which was in the lease.

Injunction granted.

C. J. Coster, for plaintiff.

Gilbert, Q.C., for defendant.

PROBATE COURT.

TRUEMAN, J.]

[March, 23.]

IN RE CHUBB.

Succession Duties Act 1892—Devise to "A B, one of my executors."

Testatrix devised "to A B, one of my executors, \$500, and to C. D., the other of my said executors, \$500." The local government collected the succession duty on both these legacies on the ground that they were legacies to persons coming within the scope of the Act. An application was made to the Court for an order to have the government refund the money paid. The point involved was whether the devises to the executors were in lieu of commissions or not. If they were, the estate was not liable to succession duty on these amounts.

Held, that the devises to the executors were in lieu of commissions, and that the estate was not liable to succession duty on them.

Tilley, for the estate.

Blair, Attorney-General, for the Government.