

the strict legal power to do what they have done, but I incline to think otherwise, and at all events no substantial wrong will be done by allowing the matter to stand as it is. All that is realized will be paid to the school board, and will enable them to demand less next year. I know the incidence of the tax varies from year to year, but this is a little matter as compared with the inconvenience of quashing the part of the by-law in question. But the applicant is acting in a public capacity, and no doubt in good faith too. It cannot be said that the law is clear. *Grier v. St. Vincent*, 13 Grant 512, is no guide to what is here in question. It is not quite easy to reconcile sub-sec. 5 of sec. 55 of The Separate Schools Act and sec. 188 of Assessment Act, particularly since the exception in the new section (188) is not confined to taxes on personal property as formerly. The motion will be dismissed without costs.

---

HON. MR. JUSTICE LENNOX.

JULY 31ST, 1913.

RE MACKENZIE AND HAMILTON.

4 O. W. N. 1606.

*Vendor and Purchaser—Contract for Sale of Land—Objection to Title—Outstanding Interest—Vendors and Purchasers Act.*

Motion by vendor, under the Vendors and Purchasers Act, for an order declaring that the purchaser's objection to the title shewn by the vendor, upon a contract for the sale and purchase of land, was invalid and that the vendor could make a good title.

LENNOX, J., made the order as sought.

J. A. McEvoy, for the vendor.

H. L. Macdonell, for the purchaser.

HON. MR. JUSTICE LENNOX:—Were it not for the order made by Hon. Mr. Justice Middleton in connection with this same Yates transaction, although referring to different lots, I would be inclined to think that Yates took an interest in the lands in question under the declaration made in his favour by the vendor. I do not, however, see that the circumstances of the application made to me differ from conditions which the learned Judge had to consider when he made an order on the 18th September, 1911, and I presume I ought to follow the decision then come to.

There will be an order declaring that the objection made by the purchaser in reference to the interest of Gordon A.