

for rent, R. S. ch. 172, sec. 10, a special action is the only remedy given for such an irregularity, and it is not given to a person in the position of the plaintiff.

In my opinion the defendant sufficiently pleaded the distress proceedings.

The appeal will be dismissed with costs, to be set off against the costs of the plaintiff recovered in the action.

NOVA SCOTIA.

SUPREME COURT.

FULL COURT.

APRIL 29TH, 1911.

THE ATTORNEY-GENERAL v. LANDRY ET AL.

School Lands Held in Trust for School Purposes—Unincorporated Religious Order — Mortgage — Breach of Charitable Trust — Intervention of Attorney-General—Attorney-General v. McIntosh (36 N. S. R. 177), Relied on

Appeal from the judgment of LONGLEY, J. (9 E. L. R. 270), in an action to enforce a trust.

W. B. A. Ritchie, K.C., for appellant.

J. A. Wall, contra.

The judgment of the Court was delivered by

SIR CHARLES TOWNSEND, C.J.:—The learned trial Judge has very clearly and fully stated the facts before him in evidence in this case, and the conclusions at which he arrived, and I can see no reason for doubting that his findings were correct and justified by the testimony. There were indeed some contradictions on the part of the witnesses on the different sides of the controversy, but those he has fully considered, and was in the best position to determine which were entitled to credit. I also think his conclusions as to the law applicable were perfectly right. It is sufficient to refer to the document M 5 signed by the defendant and two others, to indicate that they held this land in trust for the