

LANDLORD AND TENANT—LEASE—COVENANT TO PAY ALL "TAXES, RATES, DUTIES, ASSESSMENTS AND IMPOSITIONS"—NOTICE BY MUNICIPAL BODY TO ABATE NUISANCE BY MAKING A NEW DRAIN.

In *Brett v. Rogers*, (1897) 1 Q.B. 525, Wright and Bruce, JJ., have decided that under a covenant by a lessee to pay all "taxes, rates, duties, assessments and impositions, parliamentary, parochial or otherwise, now or hereafter during the said term, rated, charged or imposed on the said premises," he is bound to pay to his lessor the expenses incurred by the latter in making a new drain for the demised premises, pursuant to a notice served on him by the sanitary authority under statutory powers requiring him to abate a nuisance by making such new drain—the word "duties" being held to cover the particular outlay in question.

MANDAMUS, ACTION FOR, WHERE NOT MAINTAINABLE—PREROGATIVE WRIT OF MANDAMUS.

*Smith v. Chorley*, (1867) 1 Q.B. 532, was an action for a mandamus. The plaintiff was the owner of an estate on which he desired to build and the defendants were the sanitary authority of the district in which the lands were situate, and whose approval of the proposed buildings it was necessary for the plaintiff to obtain before he could proceed with his building. He had submitted his plans of the proposed buildings to the defendants in accordance with their by-laws, which the defendants refused to sanction on the ground that the erection of the proposed building amounted to the laying out of a new street, and that such new street was not of sufficient width according to their by-laws. Kennedy, J., who tried the action, dismissed it on the ground that an action for a mandamus would not lie in such a case, because if the plaintiff had any right to a mandamus at all, it was by application for a prerogative writ.

ALIMONY—INCOME OF HUSBAND—VOLUNTARY ALLOWANCE.

*Bonsor v. Bonsor*, (1897) P. 77, a divorce case, may be noticed for the fact that it was there held by the President that in the estimation of the income of a husband for the purpose of fixing an allowance for permanent alimony to his wife, it is proper to take into account an amount which he is in receipt of by way of voluntary allowance from a relative.