

premises in which he had no longer any real interest. He supported this by the statutory ratepayers' petition, which stated that the new premises were suitable for a tavern, whereas they admittedly did not possess the required accommodation, and that he was a proper person to become licensee of them. The commissioners heard petitions and counter-petitions upon the matter, and decided that they would allow the transfer of O'Connor's license to the new premises when they should be made suitable; but before that time arrived, O'Connor, whose fitness for the transfer was one of the subjects of the petition, had ceased to have any interest in the matter, and was allowed to make over his right to King, who in this way escaped the necessity of obtaining the certificate of the rate-payers as to his fitness.

Held, that this was illegal, and if the plaintiff had asked promptly for an injunction to prevent O'Connor, when he had no valid license and no interest in the new premises, from obtaining rights by asserting that he had, he might have obtained some relief; but at the trial it was too late to interfere, for King had obtained rights which could not be interfered with in his absence, and the license commissioners whose conduct was in question had ceased to hold office.

Held, also, that an offer made by the defendants to submit the question of the costs of the action to be disposed of in Chambers should have been accepted by the plaintiff, and, as it was not, the plaintiff was not entitled to costs against O'Connor; and, as the unauthorized action of the license commissioners had caused the trouble, they should not have costs against the plaintiff.

J. A. Worrell, K.C., for plaintiff. *L. V. McBrady*, for defendant O'Connor. *J. R. Roaf*, for commissioners.

COUNTY COURT, PERTH.

Barron, Co. J.]

[July 15.]

Assessment—Valuation of waterworks plant—Wards—1 Ed. VII., c. 29, s. 2, sub-ss. 18 (a), 18 (b)—Not retroactive.

Appeal by the Stratford Water Works Company from their assessment as being excessive.

Held, the above statute is not retroactive, and does not effect the assessment in question, which was made and confirmed by the Court of Revision before the Act came into force.

Quere, whether even if the Act be retroactive, it in any way affects or changes the principle of assessment governing such corporations. All that it is enacted is that the property shall be valued as a whole, or as an integral part of a whole, instead, as formerly, by wards separately. Thus