

which the assessment of the cost thereof is to be made," and there is given the right of appeal to the Court of Revision, and from that to the County Judge, "as is provided for by s. 569 of this Act."

The by-law under which this assessment was had is said to have been passed under s. 616, viz., by petition. There is no reference in that section to appeal from the assessment, but it was not contended that there is no such appeal. It must as to that come under either s. 612, to which I have already referred, or to s. 613, s-s. 5, under the head "Publication of notice," which again gives the same right of appeal to the Court of Revision and to the judge as is given by s. 569 before referred to, which, as well as the general Assessment Act, contemplates and gives the power to these courts to alter and vary any assessment by whomsoever made according to the evidence and according to right.

Under s. 623 (a) : "Whenever in cities and towns an appeal lies from the Court of Revision to the County Judge under ss. 569 to 623 inclusive, the said County Judge shall, in addition to his other powers under this Act and the Assessment Act, have the power to inquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement appealed from, and to add such lands to the assessment, notwithstanding any such lands, or any part thereof, may not have been specified in any notice of appeal to said judge and the said judge shall cause all parties to be affected by the addition to the assessment of their lands to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time."

It comes to this, then, that if I were to give effect to the contention referred to, I should be obliged to hold that while I have power under the section just cited to add without appeal persons who should originally have been added, and so readjust the whole assessment, the words, "in addition to his other powers," are limited to the duty of seeing that the assessor holds his tape line straight that I have no power to strike off the name of a person whose lands are, according to evidence, obviously not benefited, or to adjust an unequal or unjust assessment. As I have said before, I hold the contrary. Moreover, it is obvious that in fixing the assessment of land so added for a sewer it must be on the basis of the benefit received, for cases may easily be conceived wherein the question of frontage would not arise at all.

It was said in argument that the law is very clear, and that I must follow the statute (which I have been endeavouring to do), and I was invited to explain the meaning of the words, "The special rate to be so assessed, and, if levied, shall be an annual rate according to the frontage thereof upon the real property fronting or abutting upon or extending to within six feet of the street or place whereon or wherein such improvement or work is proposed to be done or made."

It is to be observed that these words do not occur in s. 616, but assuming that they apply to that section, as I think they do, it does not follow that the assessment shall be on a hard and fast line, on an equal charge per foot on the whole line of sewer.

I am not sufficiently familiar with the minutiae of the subject and the details of the working out of assessment to say just why the section should have