

only be taken as a whole, including every lot mentioned in all the options and for both streets, and that there being no real or valid option for the land represented by the Parent option, the mode of acquisition enacted by the Legislature becomes as though it had never been enacted, as impossible of execution; that as to the other options, the city allowed them to expire by lapse of time without having within the year ordered by the Legislature for the widening of the streets and the acquiring of the land, acquired the land or taken any steps in regard thereto, and that the legislation insofar as respects the mode of acquiring the land necessary for the widening of these streets, was a nullity and had ceased to exist when the civic measures complained of were passed in February, 1912, and that the city was not bound thereby, and could only proceed to acquire the land by the general expropriation proceedings under its charter.

Both defendant and the mis-en-cause plead among other things a lack of special and particular interest on the part of plaintiff, and say he has no right of action.

As to this lack of interest, it is clear that plaintiff has no special and particular interest. He is not interested in the legal sense, because he is not prejudiced. He is not *intéressé*, because he is not *lésé*. As a proprietor, he is no way affected. His property is not situated on the streets in question. He has not been, nor will he be, specially taxed to pay any part of the \$13,000., the price of the land in question. He says and he proves that the assessed value of this land for which the Legislature has enacted the city is to pay \$13,000., was assessed at, at the time of the legislation at \$1535., but he has not shewn that the city by paying the difference between these sums, any additional taxation had been or will be imposed upon him. He has not shewn that any cost or charge or bur-