
 REPORTS AND NOTES OF CASES

Province of Ontario.

 COURT OF APPEAL.

From Official Arbitrator.]

[Jan. 11.

IN RE RODEN AND CITY OF TORONTO.

Statute—Construction—Amendment—Retroactive effect—Limitation of actions, 54 Vict., c. 42, s. 16 (O).

Unless there is a clear declaration in the Act itself, to that effect, or unless the surrounding circumstances render that construction inevitable, an Act should not be so construed as to interfere with vested rights. 54 Vict., c. 42, s. 16 (O), limiting the time for the enforcement of claims for compensation by persons injuriously affected by the exercise of municipal powers of expropriation does not apply to a claim existing at the time of the passage of the Act. Judgment of the Official Arbitrator affirmed.

Fullerton, Q.C., and W. C. Chisholm, for appellants. H. M. Mosvat, for respondent.

From Robertson, J.]

LUFFMAN v. LUFFMAN.

[Jan. 11.

Ship—Sale—Unregistered lien—Notice—Merchants' Shipping Act, 1894.

While under s. 57 of the Merchants' Shipping Act, 1894, 57-58 Vict., c. 60 (Imp.) unregistered equitable interests can be enforced as between the parties immediately affected, the effect of section 56 is that a purchaser from the registered owner takes a title free from unregistered equitable interests even though he knows of them. Judgment of ROBERTSON, J., reversed.

W. Nesbitt, for appellant. C. J. Holman, for respondent.

From Drainage Referee.] STEPHENS v. TOWNSHIP OF MOORE. [Jan. 11.

Drainage—Repairs—"Person injuriously affected"—Mandamus—Drainage Act, 1894, s. 73.

Under s. 73 of the Drainage Act, 1894, (57 Vict., c. 56 (O.)) a ratepayer whose property has been assessed for the maintenance and repair of a drain, as deriving benefit from it, is a person injuriously affected by its want of repair, even though he has not suffered any pecuniary loss or damage by reason thereof, and is entitled to a mandamus to compel the municipality, whose duty it is to keep the drain in repair, to do such work as may be necessary, unless the municipality can show that, even if the drain were repaired, it would, from changes in the surrounding conditions, be useless to the applicant's property. Judgment of the Drainage Referee reversed.

M. Wilson, Q.C., for appellant. Aylesworth, Q.C., and Lister, Q.C., for respondent.