

charged, by much more is the present defendant free from responsibility, for it is an undeniable rule of construction that a statute has perspective operation only, unless the intention to have it operate retroactively is expressed in precise terms.

Lighting.

As regards the legal sufficiency of the charge for lighting the wreck, defendant occupies an even stronger position. It was only by 49 Vict., ch. 36, that authority was given to maintain a light and charge its maintenance to the owner. This statute repealed 37 Vict., ch. 29 (except section 4), as amended by 43 Vict., ch. 30, and re-enacting the sections in question, put the expense of maintaining lights on the same footing as that of removing the wreck.

The repeal in itself did not affect any right which may have accrued to plaintiff during the existence of the previous statute. R. S. C., ch. 1, sec. 2, sub-secs. 49, 50, 51, 52, 53.

But the new law only covered such expense as might be incurred "under the provisions of this act," and the reasons already given in connection with the question of ownership apply to this issue, with the added fact of law that at the time defendants admittedly sold their vessel, 49 Vict. was not yet in existence.

I think, therefore, that judgment on the demurrer ought to be entered for the defendant, and that costs ought to follow.

Judgment for defendant with costs.

RECENT ONTARIO DECISIONS.

Municipal corporations—Sewers—Damages.

Where a sewer, built without any structural defect, is of sufficient capacity to answer all ordinary needs, the corporation is not liable for damages caused, as a result of an extraordinary rainfall, by water backing into the cellar of a person compelled by by-law to use the sewer for drainage purposes. (Judgment of the Queen's Bench Division reversed.)—*Garfield v. City of Toronto*, Court of Appeal, 15th January, 1895.

Water and watercourses—Surface water—Diversion of water-course—Railways—Arbitration and award—Damages—Continuing damage.

If water precipitated from the clouds, in the form of rain or