ence on behalf of an individual. In these respects of water and air, no special and particular injury to the plaintiffs, at the date of the writ of summons, has been proved by the evidence. No doubt, pollution existed as a necessary result of the sewage discharged into the water; but the prejudicial effects were common to all the neighbourhood. Wherever the wind blew, in that direction nauseous smell was carried, and so as to the foul water. It was a public nuisance. Both causes of injury might have been proper matters for investigation by the Court at the instance of the Attorney-General or upon criminal prosecution. . . . The whole locality was infected in the same way. . . . The whole situation was one for redress, not by individual suit, but by some representative of the injured public. This legal aspect was referred to by me in a late case, Cairns v. Canada Refining and Smelting Co. (1913), 5 O.W.N. 423, in which I followed the practice laid down by Kindersley, V.-C., in Saltau v. De Held (1851), 2 Sim. N.S. 133, 142.

No doubt, the business of both plaintiffs was affected injuriously by the floating filth that got on the shore and clung to the sides of their boats; but that was damage resulting from the use they made of the water in order to reach Keating's Cut. . . The plaintiffs had no right to go over the city property to get to Keating's Cut, or to use Keating's Cut, except sub modo. . . .

I do not find in the evidence that the plaintiffs the Rickeys make any complaint or that they have sustained damage as to the landward side of their business.

A good collection and review of cases is in Stevenson v. Corporation of Glasgow, [1908] Sess. Cas. 1034. . . . .

As to the damages claimed by the plaintiffs the Schofield Company for interruption of their business on the landward side, I think that the city was justified, upon and after the ratepayers' vote for the money required, in going on with the work forthwith in respect of the new sewer system. . . . There is, however, some evidence to shew that the city failed to exercise reasonable expedition in completing the restoration of Carlaw avenue to a travellable condition alongside the Schofield place. The Schofield company appear to have sustained loss of business, probably for some months, on this account, for which they may recover in this action.

For other injuries, if any, arising from the method of construction, compensation must be sought by process of arbitration, and not by action.

It will be referred to the Master to assess damages for injury suffered by the plaintiffs the Schofield company for want