

sidewalks were put down on John street and a sewage-system was installed. The grade of the street in front of the plaintiff's property was raised many feet, and the pavement and sidewalks were placed upon the new level. Ever since these improvements, there had been a pronounced down-grade from north to south on this street, ending at the line of the gully. For many years the process of filling-in the gully immediately to the west of John street had gone on, partly by the defendants and partly by the inhabitants of the town. A wooden box-drain had been carried, in the line of the gully, across and beneath the surface of John street and under the plaintiff's buildings, discharging on the plaintiff's premises some distance to the east of his buildings. The grade of the streets intersecting John street north of the plaintiff's property was from John street towards the river. In constructing a concrete sidewalk on the east side of John street, the defendants made crossings at the street intersections, the surface of both the crossings and the sidewalks being higher than the surface of the middle pavement. When installing the system of sewage, the defendants constructed, on the east side of John street pavement and beside the sidewalk, catch-basins, connected by pipes with the sewer beneath the street, for the purpose of intercepting and carrying off surface-water. For several years much surface-water had flowed southerly on John street to the front of the plaintiff's premises, and thence over the sidewalk on to a planking between the sidewalk and the plaintiff's buildings and into his premises. The plaintiff alleged that this water had carried away a large quantity of soil from his land and had so undermined the foundations of his buildings as to make them unfit for the purposes of his business and too dangerous to inhabit, and that for practical purposes the buildings were destroyed; and he alleged that this condition was due to the negligence of the defendants in the construction of the roadway, kerbs and sidewalks, and in intercepting the natural flow of the water and bringing it down in large volumes and discharging it in front of his property, without making proper provision for its discharge otherwise than through his property, and in changing the natural course of the water, and in the faulty construction of the catch-basins, permitting them to become obstructed and choked up with refuse.

After reviewing the evidence, the learned Judge found against the defendants the facts as to the cause of the water flowing down John street to and upon the plaintiff's property, and that this condition was due to negligence and breach of duty by the defendants in not properly caring for and maintaining the catch-basins, in consequence of which the surface-water reached and flowed into the plaintiff's premises, and also in so constructing and maintaining the crossings at the intersecting streets as to prevent