

to prevent the further overflowing of plaintiff's lands. The plaintiff held entitled to costs of the action although a sufficient sum to cover the damages was paid into court.

Seebach vs. Fullerton, 58.

See APPEAL, 2.

ROUTE.

See COURSE OF DRAIN.

SERVICE.

Report of Engineer—By-law.

Service of report, plans, etc., upon the clerk of an adjoining municipality, instead of upon the reeve, though unauthorized by by-law or resolution of the council of the initiating municipality, was held a sufficient compliance with section 61.

Malahide vs. Dereham, 243.

See NOTICE, 5.

SERVITUDE.

See NATURAL WATERCOURSES, 3.

SPECIAL BENEFIT.

See ASSESSMENT, 10.

STATEMENT OF CLAIM.

See COMPENSATION, 2.

STATUTES.

See LIMITATIONS OF ACTIONS.

SURFACE WATER.

Embankment.

It is the right of the owner of a lot on a lower level to guard against the flow of water upon his lot by banking, or otherwise.

Murphy vs. Oxford, 350.

See NATURAL WATERCOURSES, 2. 3. 4. 5.

SWAMPS.

See DAMAGES, 4.

TENANT.

Damages—Drainage Works.

A tenant of land may recover damage suffered during his occupation from construction of drainage work, his rights resting upon the same foundation as those of a freeholder.

Ellice vs. Hiles—Ellice vs. Crooks, 89.

THIRD PARTY.

See MAINTENANCE AND REPAIR, 4.

TORT FEASOR.

See ARBITRATION, 2.