

ably expect them to stop. Correspondingly, persons operating street-cars should realise that there is such greater danger and take reasonable precautions against possible consequences. The stopping of a street-car between the usual stopping places may not be in itself an act of negligence; but there is a duty on those operating a street-car to take reasonable means to safeguard one who, by their act, may be exposed to such danger. It is likewise incumbent on persons in the position in which the plaintiff placed herself or was placed to take reasonable means to avoid such danger. But the jury had exonerated this plaintiff from negligence in that respect. They had also determined that, in the circumstances, the motorman was remiss in his duty.

There was in the evidence for the plaintiff something for the jury's consideration, and the case could not properly have been withdrawn from them.

There should be judgment for the plaintiff against the defendant company for the damages assessed and costs, and dismissing the action as against Stiles with costs.

MIDDLETON, J.

MAY 14TH, 1920.

CORRIGAN v. CITY OF TORONTO.

LEE v. CITY OF TORONTO.

*Water—Interference with Natural Flow of Stream into Pond by Municipal System of Drainage—Lowering of Level of Pond—Defilement of Water—Nuisance—Powers of City Corporation—Compensation—Claim for Mandatory Injunction and Damages.*

Actions by the owners of lands adjacent to and underlying "Small's pond" to restrain the defendant the Corporation of the City of Toronto from intercepting by its drainage system water which would otherwise reach the pond and for damages, and against the defendants Jennings and Ross for damages sustained by the lowering of the level of the pond by reason of an opening made in the dam, and for a mandatory order compelling the restoration of the water to its former level.

The action was tried without a jury at a Toronto sittings.

W. J. Elliott and R. D. Hume, for the plaintiff Corrigan.

G. E. Newman, for the plaintiff Lee.

G. R. Geary, K.C., for the defendant corporation.

John Jennings, for the defendants Jennings and Ross.