

THE
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NOVEMBER 7TH, 1902.

DIVISIONAL COURT.

TURNER v. TOWNSHIP OF YORK.

Municipal Corporations—Highway—Raising Level of—Injury to Adjoining Land—Backing Water on—Culvert—Inappreciable Injury.

Appeal by plaintiff from judgment of MACMAHON, J. (6th March, 1901) dismissing action brought by plaintiff, a farmer, against the township corporation for an injunction restraining them from casting upon his land, by means of a culvert across one of their roads, a large quantity of surface water, and for casting it upon him in a more condensed form than it would naturally have come.

J. R. Roaf, for plaintiff.

A. B. Aylesworth, K.C., for defendants.

THE COURT (FALCONBRIDGE, C.J., STREET, J.), after a careful examination of the evidence and the plans shewing the levels and profile of the land in question, saw no reason for differing from the conclusion at which the Judge who heard the case arrived, viz., that plaintiff has not been injured to any appreciable extent, or in any appreciable manner, by the culvert through the road of which he complained. Appeal dismissed with costs.

CHAMBERS.

REILLY v. McDONALD.

Attachment of Debts—Rent—To Whom Due—Heirs of Deceased Landlord—Executors—Devolution of Estates Act.

The order of the Master in Chambers (ante 721) was reversed on appeal.

W. Norris, for judgment debtors.

W. A. Skeans, for judgment creditors.