

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 6TH, 1919.

BLACKLOCK v. SHEARER.

Ditches and Watercourses—Negligent Construction of Drain—Flooding Land—Damages—Injunction—Appeal—Costs.

Appeals by the several defendants from the judgment of the County Court of the County of Bruce.

The action was for damages for injury to the plaintiff's land from flooding alleged to have been caused by the negligence of the defendants in the construction of a drain, and for an injunction.

The County Court Judge awarded the plaintiff \$232 damages and an injunction.

The appeals were heard by MACLAREN, J.A., BRITTON, RIDDELL, and LATCHFORD, JJ.

G. W. Mason, for the appellants.

David Robertson, K.C., for the plaintiff, respondent.

THE COURT gave judgment as follows:—

1. The appeal of the defendant McDonald is allowed and the action dismissed as against him without costs.

2. The appeal of the defendant Charles Hayes is allowed, so far as damages are concerned, and the action against him pro tanto dismissed without costs.

3. The appeal of the other defendants as to damages is dismissed.

4. The injunction (including that against Charles Hayes) to be limited to the land of each defendant or that over which he has control.

5. No costs of appeal to any party.