

that the award was not registered; and, if it was an instrument which should have been registered in order to prevent the rights acquired under it from being lost, in case of the sale of any of the land affected by the easement which it conferred, to a purchaser for value without notice, whose conveyance was registered, the appellant's land was not in his hands affected by it, for the award was, as against him, fraudulent and void: sec. 71 of the Registry Act, R.S.O. 1914 ch. 124. The effect of the award was, to subject the lands affected by it to an easement; and it was, therefore, an instrument affecting land to which sec. 71 applied: see sec. 2 of the Act, as to the interpretation of "instrument," and *Ross v. Hunter* (1882), 7 S.C.R. 289.

Even if the award were binding on the appellant, there was no legal justification for the action of the respondents Grummett and Greenwood in lowering the culvert on the side-road.

The wrong complained of was a continuing wrong, and for the consequences of it to the appellant since he became the owner of the land (though the acts of which he complained were done before he became owner) these respondents were answerable to him: *Ross v. Hunter*, supra.

The appellant had been damnified to some extent by the wrongful acts of these respondents, and his damages should be assessed at \$50.

The lowering of the culvert was not done by the township corporation or by its authority, and it was not responsible for the consequences of the making of the ditches for which the award provided. The engineer who made the award was, in the performance of his duties, a statutory officer, and the corporation was not answerable for anything done or omitted by him in the performance of his duties under the Ditches and Watercourses Act: *Gray v. Town of Dundas* (1886-7), 11 O.R. 317, 13 A.R. 588, and cases there cited; *Seymour v. Township of Maidstone* (1897), 24 A.R. 370.

As against the respondent corporation, the appeal should be dismissed with costs.

As against the other respondents, the appeal should be allowed with costs, and judgment should be entered for the appellant against these respondents with County Court costs and without set-off.

The pleadings should be amended.