

supply East Toronto: see *Wilts and Birts Canal Co. v. Swindon Waterworks Co.*, L. R. 9 Ch. 451, L. R. 7 H. L. 697.

Plaintiff is entitled to an inquisition as asked.

It appears from the evidence that plaintiff will not suffer any further damage or be inconvenienced by what defendants have done or are doing during the autumn or coming winter or during the freshets of 1905, so I think complete justice may be done by allowing defendants a reasonable time to make other arrangements with the village of East Toronto for a water supply.

The injunction should not issue until 1st May, 1905.

Judgment will be for plaintiff for a declaration of plaintiff's right to the flow of the water; for a declaration that defendants have wrongfully diverted the water which flows into and supplies the pond on plaintiff's land . . . ; for an injunction restraining defendants perpetually from further wrongful diversion; and for a reference to the Master to inquire and state what damages, if any, plaintiff has sustained by reason of such wrongful diversion of water as stated; damages to be limited to such as are not barred by the Statute of Limitations. Costs up to and inclusive of trial to be paid by defendants. Further directions and subsequent costs reserved.

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