

## MUNICIPAL DEPARTMENT

### DAMAGES FOR FLOODING.

Much interesting evidence was given recently before Mr. Justice Meredith in the Carleton Place water course case. The point at issue is the construction and operation of a dam on the Mississippi river, owned by the Canada Lumber Company, of Carleton Place, and Jas. M. Brown, W. H. F. Brown and Alexander Brown, flour mill proprietors.

Plaintiffs are farmers whose lands extend along the river back of the dam in question. They contend that violation of a previous judgment governing the operation of the dam caused the high water, incidental to the recent spring freshets, to back up and submerge their lands, destroying crops and pasture land and rendering other lands unfit for early cultivation. They claim \$10,000 damages. According to the terms of a judgment of October 31st, 1889, the defendants were ordered to remove the stop logs and allow the free passage of the water yearly at the time of the spring freshets, and thus afford a measure of protection against the flooding of the adjoining lands. The dam was also to be kept free of drift wood and other obstruction and not raised above a height of 2½ inches. Plaintiffs charge defendants with raising the dam level from 2½ to 8½ inches, with blocking it with logs and with also shutting it down and obstructing the flow of water before the spring freshets had subsided. Defendants, on

the other hand, claim that the work on the dam was only of a temporary nature and that the logs which obstructed it were in a boom that broke by accident. They, in short, deny responsibility for the damage done the lands.

Sir William Meredith reserved decision on the main points, but expressed an opinion on some of the facts somewhat favorable to the defendants, whom he thought had not raised the dam higher than their rights

permitted. He was not sure whether, owing to the decision in a previous suit in this case, the defendants would have to remove some of the timber from the dam. The other points of the case will be decided upon later.

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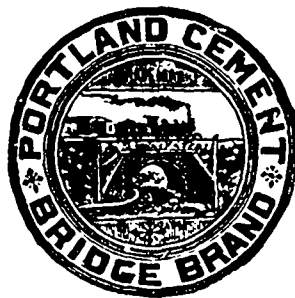
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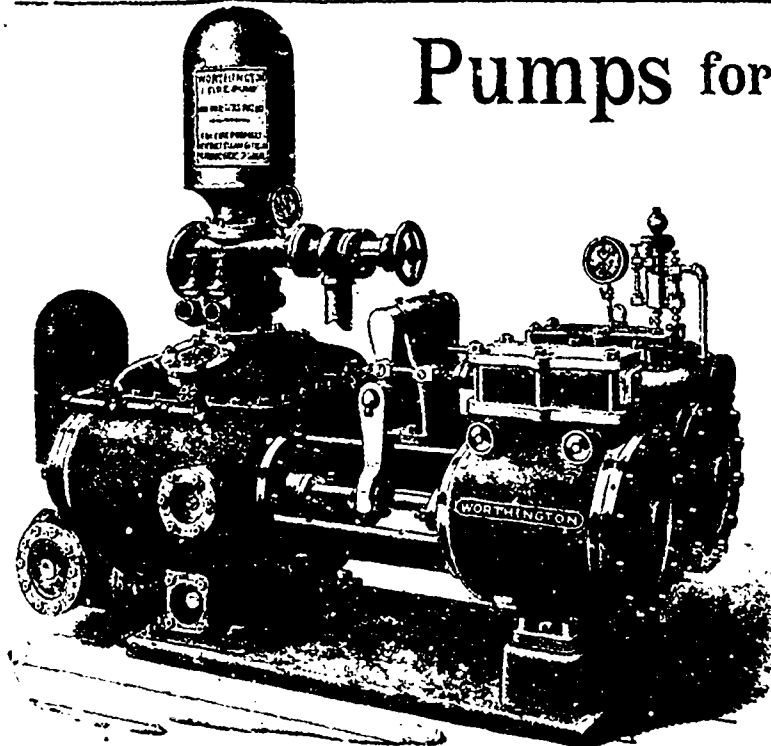
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